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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Luxembourg

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I. Introduction

1. The Grand Duchy of Luxembourg, which was one of the first nations to sign the Universal Declaration of Human Rights, is a democracy in which the rule of law prevails. Equality for all and human rights are principles enshrined in the Constitution and the laws of the land. An ardent defender of the universality of human rights, Luxembourg has ratified 16 of the 18 international human rights instruments and is well on its way towards ratifying a seventeenth: the International Convention for the Protection of All Persons from Enforced Disappearance.

2. The Government of Luxembourg welcomes the opportunity offered by the universal periodic review conducted by the Human Rights Council to give an accounting of its application of international law and the promotion and protection of human rights in the country. Luxembourg continues to wholeheartedly embrace an effective multilateral system centred around the United Nations. That system is more important than ever before as a means of maintaining international peace and security and of ensuring sustainable development for all based on respect for human rights and the protection of those rights, which remain universal, indivisible and inalienable.

3. For Luxembourg, the indivisibility of human rights is a principle of the utmost importance: if civil and political rights are the fundamental guarantees of participation and personal and collective development, economic, social and cultural rights are just as important in guaranteeing the well-being of all. The Government therefore attaches particular importance to the implementation of the 2030 Agenda for Sustainable Development and submitted a voluntary national review at the High-Level Political Forum on Sustainable Development in July 2017 in New York.

4. The present report covers the main changes and new developments that have occurred since the second cycle of the universal periodic review; any overlap with the preceding national report (A/HRC/WG.6/15/LUX/1 of 8 November 2012) has been avoided to the extent possible. The information provided in the preceding report remains valid except where otherwise noted herein. Most of the instances in which this is the case have to do with laws that have been amended or repealed as a means of streamlining and improving the country's legal framework.

5. This report has been prepared on the basis of the format suggested in the guidance note provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR). A more complete table, organized by thematic cluster, which provides information on the follow-up to the recommendations received by Luxembourg in the course of the preceding cycle, appears in an annex to this report. The midterm report that was submitted in September 2015 is available at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session15/LU/AnnexLuxembourg2ndCycle.pdf.

II. National report of Luxembourg

A. Methodology and consultations

6. The Minister for Foreign and European Affairs ensures that follow-up action is taken on the international human rights commitments of Luxembourg, particularly in respect of the recommendations received in the course of the universal periodic review, and is the lead official for the present report.

7. In order to further inter-agency cooperation and coordination in the field of human rights and to increase the alignment of the domestic and external policies of Luxembourg, on 8 May 2015 the Cabinet approved the establishment of the Interministerial Human Rights Committee (CIDH).

8. The Committee is entrusted with overseeing the action taken in fulfilment of the human rights obligations of Luxembourg by the different agencies concerned, in

consultation with national human rights institutions and civil society. This includes follow-up to the recommendations accepted by Luxembourg within the framework of the universal periodic review, the preparation of periodic reports to the treaty bodies overseeing implementation of the conventions to which Luxembourg is a party and the preparation of responses to questionnaires dealing with human rights received from multilateral organizations, first and foremost those of the United Nations.

9. CIDH meets every three months or as necessary. In addition to the interministerial sessions as such, representatives of each of the ministries and departments concerned with human rights meet to discuss topical matters and to track action taken in follow-up to the international commitments of Luxembourg. CIDH also includes representatives of civil society and of national human rights institutions and provides a forum for genuinely constructive consultations for all concerned. Consultations held between State and non-State actors provide an opportunity to raise issues that call for collective action.

10. As for the universal periodic review, CIDH validated the midterm report of Luxembourg submitted in September 2015. It also organized four working meetings on the drafting of the national report for the third cycle (29 November 2016, 3 March 2017, 22 June 2017 and 28 September 2017). In July 2017, the Minister for Foreign and European Affairs sent an invitation to all members of the Government of Luxembourg to provide written input for the present report. Non-governmental organizations (NGOs) and national human rights institutions were encouraged to provide their own reports to the Minister for Foreign and European Affairs in order to provide a fuller picture of the situation in Luxembourg.

B. Implementation of recommendations from previous cycles

11. Given the more compact format to be used for the national report for the third cycle of the universal periodic review, it is not possible to cover all the activities undertaken and all the advances made since the second cycle. However, the table that shows the thematically clustered recommendations, which is annexed to the report for the second cycle, the September 2015 midterm report and this report, provides a complete overview of the State's efforts in this respect. The implementation of some of these recommendations entail ongoing action, as in the case of efforts to combat violence against women and girls and to combat human trafficking. Consequently, the follow-up activities involved in implementing those recommendations are categorized as having been partially implemented.

1. Full implementation of recommendations

Acceptance of international norms

Ratification of the Convention on the Reduction of Statelessness of 1961, ratification of other conventions on the subject and efforts in this connection [117.16, 118.5]

12. On 8 March 2017, a law was passed whereby the following instruments were approved: the Convention on the Reduction of Statelessness, concluded in New York on 30 August 1961; the European Convention on Nationality, concluded in Strasbourg on 6 November 1997; and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, concluded in Strasbourg on 19 May 2006. The Convention on the Reduction of Statelessness was ratified by Luxembourg on 21 September 2017 in New York. One of the international community's chief concerns is the prevention of statelessness. Under customary international law, when States are defining who their nationals are, they are bound to avoid rendering any person stateless. The prevention of statelessness is closely linked to the right of every person to a nationality, inasmuch as the failure to uphold that right leads to statelessness. By becoming a party to these three international conventions, *Luxembourg has confirmed that it stands ready to combat* statelessness and to collaborate actively at the international level in respect of the subject of nationality.

13. On 8 March 2017, a law on Luxembourg nationality was adopted which abrogated the law on Luxembourg nationality of 23 October 2008 and the law of 7 June 1989 on the transposition of the given names and surnames of persons who acquire or regain Luxembourg nationality. This law simplifies the conditions and streamlines the procedures for the acquisition of Luxembourg nationality by naturalization. This option is now open to persons who have resided in Luxembourg for at least five years, who have demonstrated that they have a certain level of command of Luxemburgish and who have attended the course entitled "Living together in the Grand Duchy of Luxembourg" or have taken the corresponding examination. The purpose of the new law on Luxembourg nationality is to promote the social and political integration of non-nationals in the Grand Duchy of Luxembourg and to strengthen the cohesiveness of the national community.

Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights [116.1, 117.9]

14. The law of 17 December 2014 approved the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the United Nations General Assembly in New York on 10 December 2008. Luxembourg ratified the Optional Protocol on 3 February 2015. To date, no individual communication concerning Luxembourg has been received by the Committee on Economic, Social and Cultural Rights.

Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure [117.8, 117.9]

15. On 12 February 2016, Luxembourg ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which was concluded in New York on 19 December 2011.

Non-discrimination

Adoption of the draft law on same-sex marriage and its comprehensive implementation [118.46]

16. A law on same-sex marriage was approved on 18 June 2014 by the Chamber of Deputies. That law was promulgated on 17 July 2014 and entered into force on 1 January 2015. The first same-sex marriage took place on 1 January 2015. A law was adopted on 23 May 2016 on the recognition of marriages in the Grand Duchy of Luxembourg which amended the Civil Code in order to establish certainty and predictability with regard to the recognition in Luxembourg of same-sex marriages entered into outside the country and of validated adoptions of children by parents of the same sex concluded outside the country prior to the entry into force of the law of 4 July 2014 that amended the existing law on marriage.

Economic, social and cultural rights

Adoption of further measures to redress inequality in job opportunities and social welfare [118.49]

17. Socioeconomic inequalities and exclusion undermine societal cohesiveness and social peace. As part of its efforts to achieve the Sustainable Development Goals, Luxembourg is working to reduce inequality at the national level (Sustainable Development Goal 10). Further information on this subject can be found in the reviews of efforts to implement the 2030 Agenda for Sustainable Development submitted at the High-Level Political Forum on Sustainable Development in July 2017.[1] A number of examples of amendments and initiatives aimed at promoting social inclusion and the realization of economic and social rights in Luxembourg are given below.

18. **Social inclusion income (REVIS):** In order to give further impetus to the promotion of social and professional activation with a view to ensuring that everyone has the

[1] https://sustainabledevelopment.un.org/memberstates/luxembourg

opportunity to engage in gainful employment suited to their needs and abilities, in January 2017 the Government submitted a bill on a social inclusion income scheme (REVIS) to replace the existing guaranteed minimum income plan (RMG). There were four main challenges to be overcome in order to bring this initiative to fruition:

- The framing of a social inclusion approach;
- The establishment of a coherent system of stabilization, social activation and professional reintegration policies;
- Action to combat poverty among children and single-parent households;
- Measures for streamlining the administrative arrangements for the scheme.

19. **Food aid and basic material assistance:** In Luxembourg, the Fund for European Aid to the Most Deprived (FEAD) provides support for persons in need of food aid and basic material assistance (hygiene kits). A nationwide network of what are known as "social grocery stores" provide foodstuffs to persons at risk of poverty who have been identified by social service offices. These grocery stores furnish fresh, quality foodstuffs and other daily necessities to persons in need for a small fee or free of charge.

20. **Access to water and domestic energy:** The Social Assistance Act of 18 December 2009 provides that access to water and to a minimum supply of domestic energy is guaranteed to all persons who meet the eligibility requirements for social assistance.

21. **Assistance to energy-poor households:** The Ministry of Sustainable Development and Infrastructure and the Ministry for Family Affairs and Integration and for the Greater Region, social service offices and the MyEnergy Consortium have worked together to start up a project to provide assistance to energy-poor households. In 2016, the project started out by offering personalized advisory services on energy use to energy-poor households nationwide. Social service offices assess the situation of such households and invite them to participate in the personalized energy use advisory system run by MyEnergy. This system is supplemented with subsidies, financed by the Climate and Energy Fund, for the purchase of energy-efficient household appliances to replace ones that are less efficient.

Increased efforts to combat racism, intolerance and discrimination through awareness-raising, information, education and follow-up campaigns for the whole of society and the adoption of effective measures to combat unemployment among migrants, refugees and asylum seekers [118.52]

22. All residents, including foreign nationals legally residing in Luxembourg, have the same employment and labour rights and are entitled to the same social benefits and transfer payments. The guaranteed minimum income scheme offers all rights holders the opportunity to receive a minimum income coupled with mandatory personalized mentoring services focusing on helping beneficiaries to enter the job market or to become more fully integrated into society.

23. The Professional Qualifications Recognition Act of 28 October 2016 has created a framework for the accreditation in Luxembourg of professional qualifications and diplomas obtained in a country that is not a member of the European Union — as is often the case for migrants and refugees. This measure enables persons to secure the accreditation of equivalent qualifications that they have obtained in their country of origin so that they may practise regulated professions in Luxembourg. Once such accreditation is received, they have the same prerogatives in terms of the recognition of their professional qualifications as those enjoyed by residents of Luxembourg and by foreign nationals from a country of the European Union. These provisions enhance their access to the job market and their opportunities for becoming part of Luxembourg society.

24. In order to combat intolerance, in 2017 the Government set up the Centre for the Prevention of Radicalization [Respect.lu]. This is a counseling and support service for people who are confronted in any way with extremism or violent radicalization. The Centre deals with political and religious extremism and radicalism and is overseen by the Ministry for Family Affairs and Integration and for the Greater Region.

Cooperation with civil society — Gender equality and participation by persons with disabilities [116.8]

25. The ministries responsible for promoting the rights of women, children and persons with disabilities who are socially vulnerable engage in dialogues with civil society organizations and other stakeholders. On 22 and 23 August 2017, the Committee on the Rights of Persons with Disabilities examined the report of Luxembourg on the steps it has taken to implement the provisions of the Convention on the Rights of Persons with Disabilities.

26. The 2009-2014 National Action Plan for Equality between Women and Men came to an end on 31 December 2014. The 2013/14 evaluation of the implementation of that plan may be consulted on the website of the Ministry for Equal Opportunity. A new national action plan for 2015-2018 has taken its place.

27. Fundamental rights are guaranteed by the Constitution. These rights are reinforced on an ongoing basis by the adoption of new laws, the adaptation of existing ones and the implementation of the Government's programme. On the ground, they are also promoted through the implementation of a series of awareness-raising programmes and the provision of special toolkits.

28. The High Council of Persons with Disabilities (CSPH), whose legal basis is set forth in the Disabilities Act of 12 September 2003, is an important consultative body for the Government and particularly for the Ministry for Family Affairs. The High Council is composed primarily of persons with disabilities and representatives of associations of or for persons with disabilities and provides advisory services regarding all bills having to do with disability that are submitted to it by the Government.

29. The opinions concerning bills or draft regulations issued by the High Council may influence the work of the Chamber of Deputies or the executive branch. The Council also examines all issues submitted to it by the Ministry and any other issues or subjects that it deems to be relevant. In 2016, the High Council issued opinions on such matters as invisible disabilities, early assistance services and the reform of the long-term care insurance system. In 2017, the High Council has issued opinions on legislative bills concerning the social inclusion income scheme and the proposed Centre for Equality of Treatment. It is also represented on such bodies as the Social Security Consultative Committee, the Reasonable Accommodation Committee, the Ad Hoc Employees with Disabilities Review Committee and the National Occupational Re-education and Readaptation Centre.

30. At the time that the action plan for the implementation of the United Nations Convention on the Rights of Persons with Disabilities was being developed, a number of working groups were set up, and some of those groups have continued their activities since 2012. They are regularly consulted by different ministries concerning legislation having to do with the subjects dealt with by those working groups, including bills dealing with education, social security, employment, tourism, transportation and the accessibility of public buildings and premises.

31. The Act of 23 July 2016 amending the Government Financial Aid for Higher Education Act of 24 July 2014 provides for an extension of the supplementary period of eligibility for financial aid for students with disabilities. Under this law, students with a recognized disability status are eligible for scholarships and student loans for up to two supplementary semesters per cycle, in addition to the number of semesters provided for under existing provisions pertaining to studies in the first cycle, second cycle and the post-secondary cycle, and up to four supplementary semesters in addition to the number of semesters provided for under existing provisions for the single cycle. Along the same lines, the evaluation of a student's progress through the first cycle may be deferred for up to three years. These provisions promote equality of opportunity for students with a recognized disability and, more specifically, help to ensure that persons with disabilities benefit from the same treatment and same opportunities as persons without disabilities. They thus help to guarantee and promote the full exercise of all human rights and fundamental freedoms by persons with disabilities in a manner that is free of any sort of disability-based form of discrimination. Under this law, recognition of disability status, the extension of eligibility

for financial aid and the deferral of evaluations of students' progress through the first cycle of education are matters that are to be decided upon in each case by the Minister of Education based on the opinions issued by a consultative commission, one of whose members is a physician.

32. Bill No. 7132 on the organizational structure of the University of Luxembourg will, if adopted, replace the existing institutional law on that subject. It provides for the introduction of a procedure for the authorization of reasonable accommodations for persons with special educational needs. This bill sets out a definition of "users with special educational needs" that is modelled on the definition of "students with special educational needs" set out in article 1 of the law of 15 July 2011, as amended, on access to academic and professional qualifications for students with special educational needs. In fact, in line with the measures established in the above-mentioned law of 15 July 2011 in respect of secondary, secondary technical and adult education, the new law on the organizational structure of the University of Luxembourg is likely to include provisions under which reasonable accommodations can be authorized for students and auditors with disabilities in order to mitigate the obstacles they may face as they pursue their studies in the normal course of events and in order to facilitate their participation in scholastic achievement examinations.

33. The relevant procedure is modelled on the procedure introduced by the law of 15 July 2011, as amended, for the provision of access to academic and professional qualifications for students with special educational needs in secondary, secondary technical and adult education.

Combating racism, xenophobia and other forms of hatred

Implementation of information campaigns as a means of preventing racist and xenophobic acts [118.15, 118.20-24]

34. Luxembourg has laws (articles 454 to 457-4 of the Criminal Code) that provide for effective, proportionate and dissuasive measures for combating racist and xenophobic acts.

35. Numerous government agencies work to combat discrimination: the Ministry for Family Affairs and Integration and for the Greater Region and its Luxembourg Reception and Integration Agency (OLAI), the Ministry for Equal Opportunity, the Centre for Equality of Treatment (CET), the Ombuds-Committee for Children's Rights (ORK) and the Works and Mines Inspectorate (ITM).

36. The 2015-2018 National Action Plan for Equality between Women and Men is being incorporated into the workplans of the relevant ministerial departments. In addition, a national action plan is being developed for the promotion and protection of the rights of lesbian, gay, bisexual, transgender and intersex persons in close consultation with civil society and other stakeholders.

37. The 2010-2014 National Integration and Anti-discrimination Action Plan has also been incorporated into the workplans of the relevant ministerial departments. The measures called for under this first plan have continued to be undertaken at the national and local levels up to 2017. A new national action plan is being developed and will be introduced in early 2018. The preparatory work in this area has included consultations with the Chamber of Deputies, civil society and municipalities, with OLAI acting as the lead agency. In response to the massive influx of applicants for international protection in 2015-2017, a series of integration projects are being piloted with a view to identifying new, specific integration needs that will be addressed in the new action plan.

38. Under the National Integration and Anti-discrimination Action Plan developed by OLAI in cooperation with the Interministerial Integration Committee, the Government supports specific projects and action aimed at providing support to groups that may be targets of discrimination and at promoting diversity. It also encourages municipalities to take similar action at the local level.

39. Information campaigns are conducted to promote consistent, sustainable integration policies.

- Since 2015, a National Diversity Day has been organized each year by Inspiring More Sustainability (IMS) via the Luxembourg Charter for Diversity Committee. Since its inception, more than 150 different activities have been carried out. The aim of this event, which is funded by OLAI, is to bring together businesses, public bodies and associations and to marshal their efforts to promote diversity. This event is open to all organizations operating in Luxembourg. On National Diversity Day, the Minister for Family Affairs and Integration, who sponsors the Luxembourg Charter for Diversity, pays on-site visits to the different initiatives launched by these organizations.
- Diversity Awards events have been organized in 2015 and 2017 in order to recognize good practices in diversity management. This initiative is intended to encourage organizations to take a long-term approach to the promotion of diversity that will yield significant results that may inspire other organizations to seek to replicate their practices.
- The National Integration Conferences organized in 2016 and 2017 have served as an information-sharing platform for municipal governments seeking to promote integration at the local level.
- In order to carry forward the work of the National Integration Conferences at the local level, a working group for information exchange and support for integration has been set up. This group regularly convenes panel discussions for persons working actively in the field of integration in the country's municipalities focusing on topics and issues that they encounter on the ground.
- During the run-up to the municipal elections held on 8 October 2017, the Ministry for Family Affairs and Integration and for the Greater Region conducted an information and awareness campaign to encourage non-nationals residing in the country to register to vote. This campaign was coordinated by OLAI.
- In cooperation with the Association of Luxembourg Cities and Municipalities (SYVICOL), activities are regularly undertaken to promote the Municipal Integration Plan (PCI), which serves as a tool for municipalities wishing to develop a sustainable, cross-cutting and structured integration policy that encompasses as many local actors as possible.

40. OLAI has also developed a communications strategy for keeping the public at large, OLAI partners and the media informed about developments in this area. The many activities carried out in this connection have included the publication of information brochures and the development and publication of an integration kit for the governments of municipalities that are hosting refugees.

2. Partial implementation of recommendations

Acceptance of international human rights norms

Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance [117.2-117.7]

41. Luxembourg signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007. Ratification procedures are being followed, and Luxembourg is committed to ratifying the Convention as soon as possible. The draft instrument of ratification, which is now being prepared, will address the question of the declarations provided for in articles 31 and 32 concerning recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of the International Convention for the Protection of All Persons from Enforced Disappearance.

Human rights education and professional training in human rights

Further promotion of human rights education and professional training in human rights [117.18, 118.7]

42. A new values education course entitled "Life and Society" was introduced as part of the core curriculum at the start of the 2016-2017 school year at the secondary level and at the start of the 2017-2018 school year at the basic education level. Instruction concerning the universal human rights enshrined in the Universal Declaration of Human Rights and the European Convention on Human Rights is a core component of this values education course, which has three chief objectives:

(a) Promote tolerance founded upon knowledge: Openness, respect and tolerance in our multicultural society. In order to learn about and to live democratic values, it is important for students to understand that there are many different concepts and ways of life, cultures, religions and, value and belief systems. The "Life and Society" course is designed to teach students about the religious and non-religious traditions and rites that form part of our modern society, since a lack of knowledge about certain aspects of a culture or an inability to decode symbols or the figurative language used in some texts often leads to the adoption of dogmatic and radical positions.

(b) Foster critical thinking and learning processes: This course is based on an innovative, student-centred approach. Its point of departure is students' questions, reflections and experiences in relation to their day-to-day surroundings. The aim is to encourage young people to gradually come to view their experiences and their search for meaning in the light of the profound issues faced by humanity and society. Students will learn to develop their reflective and critical thought processes in a self-directed manner so that they may become self-reliant, responsible citizens who are in control of their own lives.

(c) Explore the foundational issues of life and society: This course will lead children and young people to gradually come to view their experiences and their search for meaning in the light of the profound issues faced by humanity and society. By learning about the ways in which the different schools of philosophical and ethical thought answer these questions and about the world's great religious and cultural traditions, the students will be offered ways of going about establishing their own points of reference while respecting others and developing their powers of critical thinking.

43. The course makes use of a multi-referential approach that takes account of the foundational questions and schools of thought developed by human societies, human rights, the knowledge developed by the sciences and the knowledge generated through the use of reason, and the religious cultures that have founded our societies and societies that differ from our own. The steering committee for the course and the United Nations Regional Information Centre for Western Europe (UNRIC) have been contacted in order to ensure that the course is fully up to date in terms of the information it provides and its characterization of the issues involved in the work of the United Nations in the fields of international peace and security, sustainable development, human rights and the rule of law.

44. The basic training in human rights and gender equality described in the midterm report continues to be provided to police officers and security agents at the national and municipal levels. A new training component on the prevention of human trafficking and on methods of combating human trafficking was introduced in 2017 as part of the national plan for combating human trafficking.

Discrimination against women

Effective implementation and enforcement of existing statutes prohibiting gender discrimination and an increase, through effective implementation and enforcement, of efforts to narrow the existing wage gap between women and men [118.12, 118.13]

45. With the passage of the new law of 15 December 2016, which amended the Labour Code, and article 2 of the law of 21 December 2007, as amended, on political party financing, wage inequalities have been categorized as an offence. Under the new regulations, an employer can be fined if a wage gap is found to exist that cannot be justified

by objective factors and if it is based on gender-related considerations. The Works and Mines Inspectorate monitors the implementation of the new law on wage equality, while the Labour Academy is responsible for preparing equality opportunity monitors to take up their duties.

46. There has been a marked "feminization" of the labour force in Luxembourg in recent decades. At the microeconomic level and in terms of employment, gender equality continues to be a cross-cutting objective that figures as one of the structural pillars of long-term growth. Under the Europe 2020 strategy, the national target for Luxembourg for the employment rate is set at 73 per cent by 2020. The most recent data available indicate that Luxembourg is quite close to that target figure, having registered an employment rate of 70.7 per cent for 2016. The steady increase in the employment rate in recent years is also attributable to the greater participation of women in the workforce.

47. The percentage of domestic jobs held by women has risen from 37.9 per cent (2005) to 40.5 per cent (2016), for a 2.6 percentage-point increase in a single decade. The upswing in the employment rate for women is even sharper, since it climbed from 58.4 per cent (2005) to 65 per cent (2016). Women now hold nearly 41 per cent of wage jobs in the country. This increase in women's participation in the labour market can be attributed to a number of different factors: the strong labour demand generated by economic development, the marked expansion of employment in occupations which are often held by women (childcare services, domestic services, education, etc.), changing lifestyles (an increase in the number of working single mothers, fewer stay-at-home wives, changes in regulations on parental leave, a considerable expansion of childcare facilities and the use of the service voucher system). The employment rate for women holding a lower secondary school diploma rose from 5.2 per cent in 1992 to 70.5 per cent in 2012, while the rate for women with an upper secondary school diploma climbed from 61.9 per cent to 73.9 per cent during the same period. The rise in the rate for women with a university degree was somewhat smaller (from 75.1 per cent to 81.5 per cent). This 20-year period has thus been marked by two converging trends. First, the female employment rate for women of all educational levels has come closer to the male employment rate. Second, the differential in the employment rates for highly qualified women and for less qualified women has also shrunk. As a result, the difference between employment rates narrowed from 22.9 points in 2002 to 11 points in 2012.

Gender-based violence violence against women and girls domestic violence

Continuation of the revision of legislation on domestic violence and of efforts to prevent and eliminate all forms of violence against women [116.6-7, 118.26]

48. Bill No. 7167 would amend: (1) the Criminal Code; (2) the Code of Criminal Procedure; (3) the Domestic Violence Act of 8 September 2003, as amended; and (4) the Free Movement of Persons and Immigration Act of 29 August 2008. The bill was submitted to the Chamber of Deputies on 10 August 2017 and is to serve as the instrument for approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which was signed in Istanbul on 11 May 2011. Its aim is to provide effective means of combating gender-based and domestic violence. The main changes to be introduced by Bill No. 7167 are the following:

- Adding the concept of gender identity to the list of prohibited grounds for discrimination;
- Introducing the specific criminal offence of female genital mutilation (under the present Criminal Code, all forms and all types of mutilation come under the general provisions governing the offence of "voluntary bodily injury", but the Code does not specifically prohibit the practice of female genital mutilation);
- Strengthening the existing legal framework on domestic violence.

49. These modifications would reinforce the legal instruments for the prevention of domestic violence among household members, for the protection of children who are direct or indirect victims of domestic violence and for the fulfilment of the needs of such children.

50. Genital mutilation is prohibited under Luxembourg law. The Child and Family Assistance Act of 16 December 2008 prohibits physical and sexual violence, inter-generational transgression, inhuman and degrading treatment and genital mutilation in family and educational settings, in particular (article 2). Although there is no provision in the Criminal Code that deals specifically with genital mutilation (a void that will be filled by the passage of Bill No. 7167), criminal sanctions exist and are applicable in such cases. Article 400 of the Criminal Code, on assault and battery, sets out terms of imprisonment of from 2 to 5 years and fines of from 500 euros to 5,000 euros if the bodily harm that was caused results in an apparently incurable disorder, a permanent disability that prevents a person from working, the loss of full use of an organ or a serious mutilation. The penalty increases to from 5 to 10 years if the assailant acted with premeditation.

Continued efforts to strengthen the capacity for action in the fight against human trafficking [116.11, 118.18, 118.28, 118.31-35, 118.43]

51. The new National Action Plan to Combat Human Trafficking, which was formulated by the Committee to Combat Human Trafficking and adopted by the Government in November 2016, states that human trafficking is often described as a modern form of slavery and should be countered at both the national and international levels. Over the last few years, the Government of Luxembourg has submitted a number of bills designed to bring national laws fully into line with international instruments for combating human trafficking. The law of 9 April 2014, which strengthens the rights of victims of human trafficking, and the regulations of 10 March 2014 and 11 September 2014 on assistance are the most recent initiatives in that connection. Under the Action Plan, Luxembourg will focus its efforts in three high-priority areas:

- The identification and protection of victims;
- The pursuit and prosecution of traffickers;
- An active and effective anti-trafficking policy.

52. A campaign to raise awareness of the problem among the public at large was launched in November 2016 with the introduction of the www.stoptraite.lu website. Training for personnel, in particular police officers and other officials who are likely to have contact with trafficking victims, is organized jointly by the Ministry of Justice and the Ministry for Equal Opportunity.

Resettlement, reception and inclusion of asylum seekers [118.15, 118.54, 118.56, 118.68, 118.70]

53. In response to the international appeal made by the United Nations High Commissioner for Refugees, in 2013 the Government of Luxembourg took the decision to take in Syrian refugees under the aegis of the European Resettlement Network, which has come to the aid of more than 3 million Syrians who have fled their war-torn country.

54. In April 2014, Luxembourg welcomed 28 Syrians — the first of 74 Syrians whom Luxembourg has pledged to host. On 5 May 2015, Luxembourg again welcomed another 46 Syrian refugees coming from Turkey. In addition, Luxembourg has agreed to resettle 190 Syrian refugees from Turkey under the 1:1 mechanism agreed upon by the European Union and Turkey on 18 March 2016. On 25 May 2016, the first group of 27 Syrian refugees arrived in Luxembourg, and on 29 September 2016, a second group of 25 persons arrived. All of these people have been granted refugee status in Luxembourg.

55. Apart from the commitments made under the agreement reached between the European Union and Turkey, Luxembourg has also pledged to resettle another 30 Syrian refugees coming from Turkey by the end of 2017 within the framework of the decision taken by the Justice and Home Affairs Council in July 2015. In addition, it made a commitment to take in a group of 20 Syrian refugees from Turkey at a conference held by the Office of the United Nations High Commissioner for Refugees in March 2016. In all, of the total number of 240 persons who are to be resettled in Luxembourg in 2017, 234 persons had already been resettled as of 20 October 2017. Further commitments for the coming years are under consideration.

56. In view of the arrival of a large number of persons seeking international protection in 2015, Luxembourg adapted its legal framework by adopting two new major pieces of legislation:

- The International Protection and Temporary Protection Act of 18 December 2015 establishes the procedures for granting and withdrawing international protection, the regulations governing the conditions to be met by third-party nationals and stateless persons in order to receive international protection, a uniform status for refugees or for persons eligible for subsidiary protection, and the nature of that protection.
- The Reception of Persons Seeking International Protection and Temporary Protection Act of 18 December 2015 establishes standards for the reception of applicants for international protection in the territory of the Grand Duchy of Luxembourg and the rights enjoyed by persons receiving temporary protection. This law incorporates the contents of Directive 2013/33/EU into national law and establishes the procedures for receiving persons seeking international protection. Its objective is to improve these people's living conditions, to ensure that they are received with dignity and to respond more fully to the particular needs of vulnerable persons and unaccompanied minors. An entire chapter of this law (chapter 4) is devoted to the protection of vulnerable persons.

57. A number of measures have been introduced in order to cope with the influx of persons seeking international protection and to receive such persons in accordance with the Reception of Persons Seeking International Protection and Temporary Protection Act of 18 December 2015. Cooperation between OLAI and its partner ministries and local stakeholders has been strengthened considerably. The Ministry of Foreign and European Affairs and OLAI have pursued a policy for recruiting the additional personnel required by these measures. As of 2013, 30 agents were working in the refugee services of the Ministry's Immigration Bureau. Between 2015 and July 2017, 22 new agents joined the service, bringing their total number to 52. OLAI has also taken on additional permanent and temporary staff, and supplementary resources have been mobilized thanks to closer cooperation with a number of NGOs.

58. Other measures:

- Strengthening of cooperation between OLAI and its partner ministries (the Ministry of Education, Children and Youth, the Ministry of Foreign and European Affairs, the Ministry of Health) and very close cooperation with the Public Works Department of the Ministry of Sustainable Development and Infrastructure, the Ministry of Housing and the Ministry of the Interior;
- Mobilization of resources thanks to closer cooperation with NGOs;
- Strengthening of cooperation at the local level;
- Reorganization of OLAI in 2015 and the recruitment of more permanent and temporary staff.

59. After filing an application for international protection with the Ministry of Foreign and European Affairs, applicants obtain a certificate attesting to their status as such. That certificate authorizes these persons to remain in Luxembourg while their applications are being processed. It also makes them eligible for social assistance provided by the State and administered by OLAI. Material assistance provided to such persons includes housing, food, clothing, a monthly allowance and medical care. Housing is provided by OLAI to international protection applicants on the basis of a model consisting of three different phases:

(a) Upon entering the country, any person wishing to apply for international protection and persons whose files are being processed using the new fast-track procedure are housed in shelters set aside for new arrivals, which are referred to as Phase 1 shelters.

(b) After filing their application for international protection, all other applicants are transferred to Phase 2 housing, where the applicants' specific needs (for medical care, psychological services, school enrolment for children, etc.) will be identified and appropriate orientation will be provided.

(c) Subsequently, and for the duration of the period required to process the application, applicants will be housed in Phase 3 units, which are known as "sustainable residential units". Some of these centres receive both men and women, while others are reserved for families or for only men or only women who are travelling alone. Some beds are reserved for unaccompanied minors and some are reserved for persons with reduced mobility.

Family reunification [118.44]

60. In April 2014, the European Commission issued guidelines for the implementation of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. In cases where refugees and/or members of their families cannot obtain national travel documents or long-stay visas, the Commission encourages States members to recognize and accept emergency travel documents issued by the International Committee of the Red Cross (ICRC) or the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide a laissez-passer for entry into the country or to offer the members of the family seeking reunification the opportunity to be provided with an entry permit and to receive a visa upon their arrival. The Luxembourg regulation of 9 March 2015, amending the regulation of 7 May 2009 on procedures for the issuance of a laissez-passer, is in accordance with the European Commission's recommendation. In some cases, this measure has a direct influence on the amount of time required to complete family unification procedures.

61. Because so many persons were granted refugee status in 2015, 2016 and up to June 2017, the number of applications for family reunification has increased quite sharply. Whereas there were only 12 such applications in 2013 and 2014, 397 persons filed applications between 1 January 2015 and 31 August 2017, and 84 per cent of those requests were granted. Once the file is complete, the waiting time for these families does not exceed three months. Many of the files that are submitted are incomplete, however, and numerous reunification requests do not meet the established family reunification requirements. While the least stringent conditions apply only to persons who file their application within three months of having been granted refugee status, the Immigration Department allows such persons to provide preliminary evidence of the existence of a family tie within that three-month time frame and then to complete their application later on. The persons in question are informed at the very outset of the conditions to be met by persons seeking family reunification.

Conditions of detention

An increase in the available prison facilities in order to reduce overcrowding and to improve conditions of detention [118.37, 118.38]

62. The Uerschterhaff Prison Construction Act of 24 July 2014 authorizes the Government to proceed with the construction of a prison in that location. In 2016, the site work for the construction of the third prison was begun in the Commune of Sanem in the locality known as "Uerschterhaff". According to the construction schedule, the prison should come on stream in 2022.

63. Bill No. 7042, which would modify the prison administration system, was submitted on 31 August 2016. The objective of the proposed changes is to prepare prisoners to live a crime-free life after their release and to create the necessary legal and administrative structures for that purpose. It is impossible to increase the effectiveness of efforts to prepare convicts to lead a life free of crime after their release if prisoners serve their sentences in a setting that is completely cut off and different from the world in which they are meant to make a place for themselves. This is why all aspects of the above-mentioned bill are based on the idea that conditions of detention should, insofar as possible, reflect the way of life that prisoners will have following their release. The bill draws, in particular, on the second and third basic principles set out in Recommendation Rec(2006)2 of the Committee of Ministers to member States on the European Prison Rules: "2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody. 3. Restrictions placed on persons deprived of their liberty shall

be the minimum necessary and proportionate to the legitimate objective for which they are imposed."

Juvenile justice [118.40, 118.45]

64. The law of 29 August 2017 amending the law of 16 June 2004, as amended, on the reorganization of the State socio-educational centre opens the way for the security unit at the Dreiborn Socio-Educational Centre to enter into operation. The security unit is scheduled to come on stream on 1 November 2017.

Human rights and counter-terrorism [118.76]

65. Two laws were passed in 2014:

- The law of 18 July 2014 approved the Convention on Cybercrime of the Council of Europe (23 November 2001) and the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (28 January 2003), and incorporated these two legal instruments into the national legal framework. This law introduced new cybercrime offences into the Criminal Code and expanded upon the definition of the offence of money laundering; existing and newly defined cybercrime offences were also added to the list of primary offences.
- The law of 28 July 2014 on the compulsory deposit and freeze of bearer shares and bearer share warrants in accordance with the standards of the Financial Action Task Force (FATF) (2012 revised version) is in conformity with paragraph 14 (c) of the interpretative note on revised FATF Recommendation 24. Under this law, bearer shares must be frozen and deposited with a professional depositary subject to the obligations deriving from the applicable laws on countering money laundering and the financing of terrorism (AML/CFT). Failure to fulfil the obligations set out in this law are subject to penalties under criminal law.

3. Pending recommendations

Cooperation with treaty bodies

Adoption of measures to ensure that reports to treaty bodies are submitted on time [116.2-4]

66. The authorities of Luxembourg continue to face quite serious constraints in terms of capacity and human resources. Efforts are being made to eliminate the backlog of reports to treaty bodies and, where appropriate, to take advantage of simplified reporting procedures. In addition to the accounting of progress made in the midterm report of September 2015 (submission of the State party report to the Committee on the Elimination of Racial Discrimination dated 14 January 2014), on 16 October 2017 Luxembourg sent responses to the list of issues drawn up by the Committee on the Elimination of Discrimination against Women which constitute its combined sixth and seventh periodic reports.

67. In order to improve interministerial cooperation and coordination in matters relating to human rights and to further align domestic and external policies in that field, the Government in Council approved the creation of the Interministerial Human Rights Committee (CIDH) on 8 May 2015. The Ministry of Foreign and European Affairs plans to make a more systematic use of the informatics tools made available to member States by the United Nations High Commission for Human Rights and to reinforce its staff in the medium term.

4. Noted recommendations

Acceptance of international norms

Withdrawal of all reservations to the Convention on the Rights of the Child [118.3]

68. The necessary preparatory legislative work is proceeding on Bill No. 6568, which would modify the right of filiation by amending the Civil Code, the New Code of Civil

Procedure, the Criminal Code, Germinal Act No. 11-21 (XI) on given names and name changes, and the Commune Act of 13 December 1988 (L-73.12), registered on 25 April 2013.

69. The aim of the legislative amendments proposed by the Government is to modify the Civil Code by eliminating the distinction between legitimate and natural descent and to align other provisions with that change so that they apply equally to all children, whether born in or out of wedlock, to clarify the conditions applying to actions for filiated status, to harmonize procedures for the legal finding of filiated status, to increase the legal certainty of ties of filiation and to streamline the system for legal challenges by, in particular, modifying the rules regarding persons having legal standing to lodge challenges and the corresponding deadlines.

Consideration of the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [119.1-4]

70. To date, no member State of the European Union has ratified this Convention owing to the major legal obstacles associated with the fact that the European Union member States exercise community jurisdiction in respect of migrant workers. That jurisdiction arises from the fact that the Council of the European Union is competent to adopt measures on immigration and on the protection of the rights of third-country nationals with regard, for example, to conditions of stay.

71. Given the scale of human migration witnessed in 2017 and the insufficiency of international support and in-take mechanisms for migrants and involuntarily displaced persons, Luxembourg is actively following the work being undertaken by the United Nations to formulate a worldwide agreement for ensuring safe, orderly and regular migration for adoption in 2018.

Child migrants detention of families with minor children [118.6, 118.42]

72. Under article 103 of the Free Movement of Persons and Immigration Act of 29 August 2008, as amended, no unaccompanied minor can be returned to another country except on imperative grounds of public security or unless it is in the child's best interests. The governing principle is thus one of refraining from returning an unaccompanied minor, and thus from holding the minor in custody with a view to his or her return. In exceptional cases, if an unaccompanied minor is to be removed from the country, article 120, paragraph (1) of the Free Movement of Persons and Immigration Act provides that the unaccompanied minor may be placed in custody in an appropriate facility that is suited to the needs of a person of that age, while at all times acting in the best interests of the child.

73. Pursuant to the decision reached by the Government Council on 7 July 2017, Luxembourg plans to set up a multidisciplinary committee in the autumn of 2017 composed of representatives of children and of the relevant Ministries and services to evaluate individual cases in order to determine what the best interests of the child are in each instance; based on those assessments, the committee will then issue decisions regarding the return and removal of minor asylum seekers who are in an illegal situation, in accordance with article 10 of Directive 2008/115/EC, or their authorization to remain in the country. If a minor is to be removed on the grounds that he or she poses a grave threat to public security, placement in a holding centre may be an option; in the case of a removal that is to be undertaken in order to serve the interests of the child, he or she must be placed in another type of suitable facility, not a holding centre. The Government is of the view that there is no valid reason for abrogating this legal provision.

74. All persons seeking international protection in Luxembourg, including unaccompanied minors and persons with special needs, reside in open, not closed, centres. Unaccompanied minors are treated in the same way as Luxembourg minors in a comparable situation. They are brought before a juvenile court judge who designates a legal guardian for each minor who is under 16 years of age. Unaccompanied minors between the ages of 16 and 18 may reside in shelters reserved for families with children, while those under 16 years of age are placed in a specialized facility for children and adolescents as soon as possible, where they receive social and pedagogical support around the clock, day in and

day out. They also receive the same financial and material assistance that other children and young people are given and attend elementary or secondary school just like all young people in Luxembourg.

75. A new compulsory identification system is provided for by the International Protection and Temporary Protection Act of 18 December 2015. Its purpose is to ensure that the special needs of asylum seekers who fall into the category of vulnerable persons (persons suffering from an illness, unaccompanied women, women with children, unaccompanied minors and others) are recognized and that these persons receive appropriate support throughout the duration of the application procedure.

76. Pursuant to the Act of 8 March 2017 Amending the Free Movement of Persons and Immigration Act of 29 August 2008 and the Holding Centre Act of 28 May 2009, the maximum length of time during which persons and families accompanied by minors may stay at the Centre has been increased from 72 hours to 7 days. This change has been made in response to both external and internal factors. European factors (the Schengen evaluation in the field of return) and technical factors at the national level. The mechanism for evaluating and monitoring the application of the Schengen acquis, which was introduced pursuant to European Union Council Regulation No. 1053/2013 (http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:295:0027:0037:EN:PDF), had found that the 72-hour window was too short to permit an effective evaluation in respect of returns and was therefore not in conformity with the Schengen regime.

77. Finally, there have been numerous cases in which legal action has been brought for the purpose of instituting a provisional measure to extend the deadline so that the presiding judge of the administrative tribunal can analyse the petition properly. In line with the need to avoid any abuse of the system by persons whose asylum applications have been denied or persons in an irregular situation, the allowed length of stay is shorter than the European average and the actual length of stay is kept to as short a time as possible in each case. The Government continues to place priority on voluntary return.

C. Status of implementation of voluntary pledges

78. Luxembourg is a candidate for election to the Human Rights Council for 2022-2024 and will in due course enter into voluntary undertakings at the domestic and external levels. At the national level, these commitments will concern the acceptance of international standards and their incorporation into national law and cooperation with the United Nations system and with treaty bodies, in particular. At the international level, such undertakings will have to do with support for development partner countries and the country's ongoing commitment to the promotion and protection of human rights around the world.

79. The post of Ambassador-at-Large for Human Rights was created by order of the Grand Duchy on 8 March 2013 and has been employed more systematically since 1 January 2016. The Ambassador-at-Large presides over the Interministerial Human Rights Committee (CIDH) and represents Luxembourg at international meetings and conferences on human rights. He or she may serve as the head of delegation for Luxembourg, as occurred, for example, in the case of the exchange of views with the Committee on the Rights of Persons with Disabilities concerning the report of Luxembourg on the measures adopted to implement the Convention on the Rights of Persons with Disabilities. The Ambassador also coordinates work in a number of thematic areas, such as the preparation of a national action plan on business and human rights, and work on strategic issues such as a rights-based approach to development, the role of human rights in the implementation of the 2030 Agenda for Sustainable Development and the impact of climate change on human rights and migration.

D. New and emerging issues, including advances and challenges in that regard

National human rights institutions

80. Under the watchword "Openness, responsibility, cohesion", the government programme for 2013-2018 focuses on strengthening public participation in political life and improving both governance and the performance of the government service. It also provides for the creation of a human rights centre to be known as the "House of Human Rights" which will bring together various national institutions, including the Advisory Commission on Human Rights, the Ombuds-Committee for Children's Rights (ORK), the Centre for Equality of Treatment (CET) and the Office of the Mediator. A site for the building's construction has been identified, and four of the above agencies have been surveyed to determine their needs in that connection.

81. Bill No. 7102, which received a majority vote in favour at first reading in the Chamber of Deputies on 11 October 2017, will, if passed into law, bring about two changes in the operational model of the Centre for Equality of Treatment (CET): CET would be attached to the Chamber of Deputies in the same manner as the Office of the Mediator is, and it would operate on the basis of the provisions of Directive 2014/54/EU of 16 April 2014 concerning measures to facilitate the exercise of workers' right to free movement.

New human rights technologies

82. The extremely rapid development and adoption of new information and communication technologies represent a social and economic development opportunity, but these advances also pose risks with regard to the protection of human rights that must be understood and managed, both by the State and by other stakeholders. Cooperation within Europe with a view to protecting people's privacy — supported by the new general regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data — and within other multilateral forums is one way of addressing these challenges. While seizing the opportunities offered by new information and communications technologies for economic diversification through such initiatives as "Digital Luxembourg" and the "Third Industrial Revolution", Luxembourg is also continuing with its efforts to protect fundamental human rights in the face of further developments in the field of informatics through the National Data Protection Commission and other agencies.

Business and human rights

83. As part of its efforts to take action to give effect to the resolutions of the Human Rights Council, in 2017 the Luxembourg authorities embarked on the preparatory work required to lay the foundations for the introduction of a national action plan for the application of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. A multi-stakeholder working group composed of representatives of the relevant Ministries, civil society, business and the University of Luxembourg has been convened to develop such a plan.

E. Challenges which would require the support of the international community

84. The Government would appreciate the continued support of the Office of the United Nations High Commissioner for Human Rights in regard to the use of the Universal Human Rights Index to build its capacity for on-time reporting to the various treaty bodies.

85. The Government also appreciates the support and advisory services offered by the various special procedures mandate holders, including the Working Group on business and human rights, to assist it in fulfilling its commitments. The experiences of other member States with the implementation of national action plans of this sort will also be very useful.

86. Certain challenges in relation to the protection of human rights, especially in connection with human mobility (reception and inclusion of persons seeking international protection and persons receiving such protection, the organization of safe, orderly migration and the effort to combat human trafficking and migrant smuggling) and in connection with the environment (the effort to counter the negative impacts of climate change) exceed the bounds of national capabilities, and Luxembourg undertakes to pursue its international cooperation activities aimed at finding collective means of overcoming these challenges.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–3]

2. The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child recommended that Luxembourg ratify the human rights instruments to which it was not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[2]

3. The Committee on the Rights of the Child regretted that, notwithstanding its previous recommendation, Luxembourg still maintained its reservations to articles 2, 6, 7 and 15 of the Convention on the Rights of the Child, some of which seemed incompatible with the object and purpose of the Convention. It reiterated its previous recommendations urging Luxembourg to consider withdrawing its reservations to the Convention.[4]

4. Luxembourg contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) each year between 2013 and 2017.

III. National human rights framework[1]

5. The Committee on the Elimination of Racial Discrimination regretted that the new National Council for Foreigners had not renewed the mandate of the special standing commission to combat racial discrimination and had replaced it with a commission on integration and equal opportunities, which was likely to reduce the scope of racial discrimination as an issue within the work of the National Council. The Committee

encouraged Luxembourg to consider reallocating the powers of the former special standing commission so as to maintain the scope of the issue of racial discrimination.[6]

6. While welcoming the work of the Consultative Commission on Human Rights with regard to the rights of the child, the Committee on the Rights of the Child was nevertheless concerned that it had not been provided with the immunities required for it to function in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

7. The same Committee noted with appreciation the work of the Ombuds Committee for Child Rights, but was concerned about the transparency and impartiality of the selection and appointment process of its President and members. Furthermore, the Committee reiterated its concern about the insufficiency of the resources allocated to that body.[7]

8. The same Committee noted with appreciation the creation of the National Children's Bureau and the establishment of an interministerial children's rights coordination body. Nevertheless, the Committee was concerned about the possible overlaps in coordination efforts, that the Bureau had not been given a clear and authoritative mandate and that it did not have sufficient human, technical and financial resources for its effective functioning.[8]

9. The Committee on the Rights of Persons with Disabilities noted with concern that the institutions responsible for the monitoring of discrimination, including the Consultative Council of Human Rights and the Centre for Equal Treatment, lacked the requisite legal jurisdiction to deal with complaints related to discrimination, particularly multiple discrimination or discrimination in the private sector, or the power to remedy complaints. It was concerned by the insufficient resources to carry out their mandates, including effective sanctions and remedies. It was also concerned by the absence of cases of discrimination on grounds of disability, which could be partly explained by the lack of awareness by persons with disabilities of existing mechanisms to defend their rights.[9]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[10]

10. The Committee on the Elimination of Racial Discrimination was concerned by the fact that racial motives for a crime were not considered to be an aggravating circumstance and recommended that Luxembourg introduce into its criminal legislation an aggravating circumstance for racially motivated crimes.[11]

11. The same Committee was also concerned that the definition of racial discrimination contained in article 1 (1) of the Act of 28 November 2006 on equal treatment did not include the criteria of national origin, colour or descent, and therefore was not wholly consistent with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.[12]

12. The same Committee was further concerned that discriminatory stereotypes persisted in the media with regard to certain groups and were of a nature to generate prejudice against those groups. It recommended that Luxembourg, while respecting international standards related to freedom of the press, take monitoring measures in respect of the media and prevent the spread of negative stereotypes with regard to certain ethnic groups. It also recommended that Luxembourg conduct campaigns to raise the awareness of journalists, and the whole population, of the Convention.[13]

13. The Committee against Torture recommended that Luxembourg take all the measures necessary to prohibit and punish discrimination and incitement to violence against vulnerable groups and ensure that offences motivated by hate were always investigated and prosecuted and that the perpetrators were convicted and punished.[14] It regretted that

Luxembourg had not introduced into its legislation provisions specifically banning and declaring illegal any organization that incited racial discrimination.[15]

14. The same Committee noted with concern the reports of racist and xenophobic acts by some law enforcement and prison personnel against foreign detainees. It recommended that Luxembourg take all the measures necessary to prohibit and punish discrimination and incitement to violence against vulnerable groups and ensure that offences motivated by hate were always investigated and prosecuted and that the perpetrators were convicted and punished.[16]

15. The Committee on the Rights of the Child urged Luxembourg to undertake expeditiously the necessary legislative reforms to eliminate discrimination against children born out of wedlock.[17]

B. Civil and political rights

1. Right to life, liberty and security of person [18]

16. While the Committee against Torture commended Luxembourg for its efforts in, and success at, avoiding prison overcrowding and for its adoption of the law of 24 July 2014 authorizing the construction of a new prison centre, it was concerned that certain detention conditions, in particular the size and sanitary conditions of some detention cells in police stations, failed to meet international standards.[19]

17. The same Committee recommended that Luxembourg ensure that officials involved in the arrest, custody, detention and imprisonment of persons were trained on, and aware of, the specific obligations imposed on them under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that all relevant staff, including medical personnel, were trained specifically to identify cases of torture and ill-treatment.[20]

18. The Committee on the Rights of the Child reiterated its concern that the possibility still existed for children to be kept in solitary confinement for up to 10 days as a means of punishment for those deprived of their liberty, and urged Luxembourg to take immediate measures to ban solitary confinement of children.[21]

19. The Committee on the Rights of Persons with Disabilities was concerned about legal provisions that allowed for the use of restraints against persons with disabilities in psychiatric institutions, which might amount to torture and other cruel, inhuman or degrading treatment or punishment. It was also concerned that the competence of the mediator, as the protection mechanism for the rights of persons with disabilities, did not extend to private institutions.[22]

2. Administration of justice, including impunity, and the rule of law [23]

20. The Committee against Torture recommended that Luxembourg ensure that, whenever there were allegations of torture or ill-treatment, they were investigated promptly and effectively and that the perpetrators were sanctioned accordingly.[24] While welcoming the appointment of a judicial magistrate as the head of the Police Inspectorate as a measure to improve the latter's independence, the Committee nevertheless recommended that Luxembourg consider establishing an investigatory body that was institutionally separate from the Ministry of Internal Security and composed of personnel whose prior professions would not result in or create the perception of any conflict of interest in the execution of their duties or create doubt as to the body's impartiality and independence.[25]

21. The Committee on the Elimination of Racial Discrimination asked Luxembourg to ensure that members of the public, in particular persons of foreign origin from countries outside the European Union, were aware of their rights, including all legal remedies for racial discrimination. It also recommended that Luxembourg amend the Act of 28 November 2006 to give the Centre for Equal Treatment the capacity to take part in legal proceedings.[26]

22. The same Committee recommended that Luxembourg continue its efforts to raise awareness among judges, magistrates and lawyers of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that they were invoked and applied directly by national courts.[27]

23. The Committee on the Rights of the Child regretted that there was no juvenile justice system in place that would allow judges to deal with children in a child appropriate manner, including diversion measures to reconcile such children with society. The Committee urged Luxembourg to bring its juvenile justice system fully into line with the Convention on the Rights of the Child, and in particular to consider restorative justice practices and develop diversion mechanisms and alternatives to detention and punishment to prevent recidivism; stop placing juveniles in the State Penitentiary and to rapidly open the new detention unit for juveniles; provide sufficient resources for the new detention unit to be fully operational; and provide the State's socio-educational centres with the necessary human, technical and financial resources to adequately carry out their work with children with a wide array of needs.[28]

24. While noting with appreciation the appointment by courts of lawyers for children, the same Committee was concerned that the right of children of any age to be heard in judicial and administrative proceedings was not sufficiently respected as it was not compulsory for judges to listen to children.[29]

25. The Committee against Torture was concerned about the delay in the opening and operation of the Dreiborn closed security unit for minors, which was attributable to delays in the adoption of the relevant legislation. It was also concerned that minors aged between 16 and 18 might, at the discretion of the judge, be brought before ordinary courts and tried as adults for particularly serious offences. The Committee recommended that Luxembourg ensure that juvenile detainees and prisoners under 18 were always held separately from adults, in accordance with international standards; employ alternatives to incarceration; and ensure that minors were always tried in juvenile courts.[30]

26. The Committee on the Rights of the Child noted with concern the lack of available places in special reception centres for unaccompanied children and that a significant number of them left Luxembourg prior to completing the asylum procedure or to receiving the initial decision of the competent authority.[31]

27. The Committee on the Rights of Persons with Disabilities was concerned about the lack of information on specific measures and protocols to remove barriers to access to justice and to provide procedural, gender and age-appropriate accommodation in judicial proceedings for persons with disabilities, including written information and communications that considered the multilingual reality of Luxembourg.[32]

3. Fundamental freedoms and the right to participate in public and political life[33]

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Luxembourg to decriminalize defamation and make it part of the civil code in accordance with international standards.[34]

29. UNESCO recommended that Luxembourg continue to pursue adopting the freedom of information legislation in accordance with international standards.[35]

30. The Independent Expert on the promotion of a democratic and equitable international order deplored the conviction, in June 2016, of two whistle-blowers in the so-called LuxLeaks scandal, who had revealed how tax avoidance and tax evasion reportedly occurred in Luxembourg banks. He recommended that robust legislation, not only to protect whistle-blowers, but also to reward them for contributing to ethics and integrity, be adopted.[36]

31. UNESCO encouraged Luxembourg to implement fully the relevant provisions of the Conventions to which it was party that promote access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life. In doing so, UNESCO also encouraged Luxembourg to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups.[37]

32. UNESCO further encouraged Luxembourg to report on any legislative or other steps undertaken by it to ensure the application of the Recommendation on the Status of Scientific Researchers (1974).[38]

4. Prohibition of all forms of slavery[39]

33. The Committee on the Rights of the Child welcomed the fact that Luxembourg had facilitated the granting of residence permits to child victims of trafficking, and its efforts to combat and raise awareness of child trafficking, sexual exploitation and sex tourism.[40]

34. The same Committee welcomed the measures taken by Luxembourg to address child sex tourism. However, it was concerned about reports indicating the possible existence of cases of child sex tourism abroad and the lack of information on international cooperation to prevent and eliminate such tourism. It recommended that Luxembourg continue to conduct advocacy concerning the harmful effects of child sex tourism, widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies, and encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.[41]

35. The same Committee was concerned about insufficient provision at existing care facilities for identifying children at risk of becoming victims of offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and for guaranteeing the protection of victims, especially children outside the family environment. It recommended that Luxembourg establish specialized mechanisms and procedures for the identification of such children at risk, in particular among children in vulnerable situations, and strengthen prevention programmes and the protection of potential victims.[42]

36. The same Committee was concerned that the existing legal framework did not cover all forms of the sale of children covered article 3 (1) (a) (i) of the Optional Protocol, and that they were not classified as offences distinct from human trafficking. It recommended that Luxembourg define and criminalize the sale of children as defined in article 3 of the Optional Protocol, a concept that was similar, but not identical, to human trafficking; ensure that all children under the age of 18 were fully protected by the Criminal Code; and adopt a definition of child prostitution in accordance with article 2 (b) of the Optional Protocol.[43]

5. Right to privacy and family life[44]

37. The Committee on the Rights of the Child urged Luxembourg to take the necessary measures for all information about parents to be registered and filed in order to allow children to know, to the extent possible and at the appropriate time, their parents and to remove the requirement for the mother's consent. It also urged Luxembourg to increase its efforts to address the root causes that led parents to choose to use anonymous births, including the provision of family planning, counselling and social support for unplanned pregnancies and the prevention of at-risk pregnancies.[45]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[46]

38. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) noted that Luxembourg had introduced the principle of equal pay in the Labour Code. Furthermore, the Law of 3 November 2016 on the reform of parental leave ensured that women and men had the same professional opportunities.[47]

39. The Committee on the Elimination of Racial Discrimination recommended that Luxembourg reduce the period of nine months needed to review requests by asylum seekers who wished to access the labour market so as to facilitate more rapid access.[48] It also recommended that Luxembourg take all the measures necessary to facilitate access to the labour market for persons of foreign, non-European Union origin, particularly women. The Committee also recommended that Luxembourg periodically evaluate the measures

introduced to that end, in order to adjust or improve them. Finally, it recommended that Luxembourg promote the effective application of labour legislation, provide judges and lawyers with training on this legislation and inform the Committee of cases related to discrimination in the labour market.[49]

40. The Committee on the Rights of Persons with Disabilities was concerned about the low level of employment of persons with disabilities in the public and private sectors and the segregation of persons with disabilities in sheltered workshops.[50]

41. In relation to the application of article 3 of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) on the right of workers' organizations to elect their representatives in full freedom and to freely organize their activities and formulate their programmes, the ILO Committee of Experts on the Application on Conventions and Recommendations requested that Luxembourg indicate the measures taken or envisaged for the rapid adoption of the Grand Ducal regulations to implement the Act of 2 July 2015 on social dialogue within enterprises.[51]

2. Right to an adequate standard of living[52]

42. The Committee on the Rights of Persons with Disabilities was concerned about the absence of data on poverty and disability and that many persons with disabilities of working age and older were at higher risk of poverty. It was also concerned that the additional expenses incurred by persons with disabilities consequently increased the risk of their being institutionalized. It noted with concern that recent changes to regulations governing care insurance might lead to a deterioration in the standard of living of persons with disabilities.[53]

3. Right to health[54]

43. The Committee against Torture was concerned at reports that prisoners had been denied access to external medical care, even when such care had been requested by a doctor. It recommended that Luxembourg ensure that persons deprived of their liberty were guaranteed access to the necessary medical treatment, including external medical care.[55]

44. The same Committee was also concerned at reports that certain detained persons had been forcibly returned to their home countries despite needing urgent medical care. It recommended that Luxembourg ensure that all returned persons underwent medical and mental health checks and were not forcibly expelled if they were in need of urgent medical treatment, particularly if such treatment was not available in their country of origin.[56]

45. The Committee on the Rights of the Child reiterated its concern regarding inadequacies in child psychiatric services with regard to preventing and responding to attempted suicides and suicide among adolescents. It also noted with concern the indiscriminate diagnosis of mental health problems and use of psychotropic medication, instead of undertaking comprehensive screening and providing access to psychosocial support and counselling services.[57]

46. While welcoming the action planned under the National Programme for the Promotion of Emotional and Sexual Health to protect and promote sexual health, the same Committee noted with concern that adolescents were often not informed about the sexual health services available to them, including the medical and psychological services available in cases of underage pregnancy. It encouraged Luxembourg to implement the national programme and to continue to strengthen efforts to disseminate information.[58] UNESCO made a similar recommendation.[59]

47. The Committee on the Rights of Persons with Disabilities recommended that Luxembourg take measures to ensure the accessibility of health-care services and facilities in the community, particularly for persons with intellectual or psychosocial disabilities and those that required extensive support.[60]

4. Right to education

48. The Committee on the Rights of the Child welcomed the efforts of Luxembourg in the sphere of education and in facing the language challenge with regard to foreign

students. It recommended that Luxembourg continue to invest the necessary resources to improve and/or expand educational facilities and opportunities to ensure the right of all children, including of migrant workers and asylum-seeking and refugee children, to access quality education in Luxembourg; and continue its efforts to ensure that language did not become an obstacle in education.[43] UNESCO made a similar recommendation.[42]

49. UNESCO has encouraged Luxembourg to continue to pursue its efforts on many different fronts to integrate children with special needs into regular educational establishments, in particular by ensuring the successful implementation of the support mechanism at the local, regional and national level whose introduction was announced in February 2017 by the Minister for National Education, Children and Youth.[43]

50. UNESCO has strongly encouraged Luxembourg to submit country reports for the periodic consultations of UNESCO standard-setting instruments, particularly on its implementation of the UNESCO Convention against Discrimination in Education.[44]

51. The Committee on the Rights of Persons with Disabilities was concerned that education laws still allowed for the segregation of students with disabilities, and that segregated education environments persisted, especially for students with intellectual disabilities.[45]

D. Rights of specific persons or groups

1. Women[46]

52. UN-Women noted that Luxembourg had taken several steps towards enhancing gender equality and women's political and economic participation. For example, the proportion of women in boards had increased to 25 per cent in 2016. A new law adopted on 15 December 2016 ensured that political parties met a minimum 40-per-cent quota for women in their lists for national elections and a 50-per-cent quota for European elections. An awareness campaign, called votezegalite.lu, had been established to increase the proportion of women in town councils.[47]

53. UN-Women noted that work had also progressed towards ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), through the creation of an interministerial task force and sub-task force to analyse the relevant parts of the Convention and the actions that needed to be taken to fulfil its commitments.[48]

2. Children[49]

54. While welcoming the inclusion of the principle of the best interests of the child in the Act of 16 December 2008, the Committee on the Rights of the Child was concerned about the lack of adequate guidelines and procedures for implementing the right of a child to have his or her best interests taken into account as a primary consideration in actual practice and throughout all institutions, bodies, policies and programmes. The Committee recommended that Luxembourg strengthen its efforts to ensure that that right was appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and with an impact on children.[50]

55. The same Committee recommended that Luxembourg ensure sufficient alternative family and community-based care options for children deprived of a family environment; ensure that placement in institutional care was only used as a last resort and that adequate safeguards and clear criteria based on the needs and best interests of the child were used to determine whether a child should be placed in institutional care; and increase training activities for the police so as to ensure that they carried out court judgments in accordance with the best interests of the child.[51]

56. The same Committee, while welcoming the efforts of Luxembourg to combat violence against children at school, on the Internet and in other contexts, was concerned about the lack of information, including statistics, about the extent of violence against

children in the family, including corporal punishment. It recommended that Luxembourg, inter alia, prioritize the elimination of all forms of violence against children, develop a comprehensive national strategy to prevent and address all forms of violence against children, especially in the family, promote alternative discipline strategies, and adopt a national coordinating framework to address all forms of violence against children, including on the Internet.[57]

57. The same Committee welcomed the National Programme for the Promotion of Emotional and Sexual Health, 2013-2016, which referred to preventing domestic violence and recourse to prostitution. Nevertheless, the Committee remained concerned that a comprehensive policy on children and a strategy for implementing the Convention on the Rights of the Child, including, specifically, all the issues covered under the Optional Protocol on the sale of children, child prostitution and child pornography, was still lacking.[58]

58. The same Committee also welcomed the ongoing efforts of Luxembourg to improve the coordination of protection for children at risk. It was concerned, however, that coordination efforts in that regard did not systematically involve all ministries and civil society partners.[59]

59. The Committee was concerned about the lack of a legal framework to ensure that Internet-hosting services registered in Luxembourg speedily removed child pornographic content, and recommended that Luxembourg adopt legislative and other measures to ensure the prompt removal of child pornographic content and combat child pornography through other digital means, such as peer-to-peer systems, newsgroups and email.[60]

60. The same Committee welcomed the establishment of mandatory training for schoolchildren on safer Internet use, as well as mandatory training on the issue for teachers in the public education system. Nevertheless, the Committee was concerned about the limited concerted training efforts aimed at child protection professionals, including on the rights of the child in general, as well as specialized training for professionals likely to come into contact with victims of offences under the Optional Protocol on the sale of children, child prostitution and child pornography.[61]

3. Persons with disabilities[62]

61. The Committee on the Rights of Persons with Disabilities recommended that Luxembourg, inter alia, expedite the adoption of a definition of "reasonable accommodation" in accordance with the Convention on the Rights of Persons with Disabilities, and enact legislation that explicitly recognized and sanctioned the denial of reasonable accommodation as disability-based discrimination across all areas of life, including within public and private sectors.[63]

62. While noting with appreciation the efforts made by Luxembourg to improve the inclusive education of children with disabilities, the Committee on the Rights of the Child was concerned, inter alia, that the decision on whether a child with a disability should study in a mainstream or special education centre remained at the discretion of his or her parents, leading to a possible conflict of interests between the protective urges of parents and the best interests of the child. The Committee recommended that Luxembourg take measures to ensure that the best interests of the child were the primary consideration when deciding the education system to be followed by each child with disabilities and, to that end, recommended that children be evaluated by interdisciplinary teams.[64]

63. The Committee on the Rights of Persons with Disabilities was concerned that disability continued to be defined through a medical approach in laws, policies and practices. The Committee was also concerned that the different assessment criteria for the eligibility of services continued focusing on the degree of impairment of persons and resulted in exclusion, particularly of persons with psychosocial or intellectual disabilities.[65] It was further concerned about the lack of a permanent coordinating mechanism equipped with sufficient human and financial resources to ensure coherence in the implementation of the Convention on the Rights of Persons with Disabilities, as well as the lack of systematic consultations with persons with disabilities through their representative organizations, in the development of policies and decisions that affected them directly.[66]

64. The same Committee noted with concern the low rates of representation and participation of persons with disabilities in political life and public decision-making.[52]

8. Migrants, refugees, asylum seekers and internally displaced persons[53]

65. The Committee against Torture was concerned that persons whose asylum claims had been rejected, but who could not return to their country of origin because doing so would expose them to danger or security risks, were not provided with adequate resources in the interim and, as such, disappeared and became irregular migrants.[54]

66. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended Luxembourg for adopting an annual resettlement programme, and encouraged it to ensure that it met its annual quota.[55]

67. UNHCR stated that, while Luxembourg had a solid asylum system and the new legislation on the asylum procedure adopted on 18 December 2015 contained several positive aspects, there was still room for improvement. It recommended that Luxembourg ensure that quality decisions on asylum requests were issued within a reasonable time, despite the recent increase in the number of asylum seekers; improve communication and transparency when processing asylum requests; develop a formal mechanism to determine the best interests of the child as part of a comprehensive child protection system, which would include the speedy appointment of a lawyer and a guardian, the consideration of anyone below the age of 18 as a child and the adoption of a holistic approach regarding age assessment; and ensure that the "ultra-accelerated" asylum procedure for asylum seekers from Balkan countries was fair and efficient with an individual assessment of each claim and the necessary procedural safeguards in place, including the possibility to appeal any negative decision.[56]

68. UNHCR noted that, following an influx of asylum seekers in 2015, Luxembourg had approved an emergency reception plan for such persons, which had increased by 1,000 the number of places available and which had strengthened staffing levels at the national reception and integration agency. In that context, UNHCR recommended that Luxembourg improve, to the extent possible, the quality of reception conditions for asylum seekers, including by hiring additional and trained staff; establishing a framework to identify and respond to asylum seekers with specific needs and by ensuring that temporary reception centres remained used as such; and consider a re-examination of the once envisaged integration project that would allow asylum seekers to be more autonomous and less dependent on staff at the national reception and integration agency.[57]

69. UNHCR noted that Luxembourg did not detain persons who had applied for asylum at the border. For the most part, detained asylum seekers belonged to one of two categories of persons, namely: asylum seekers making applications under the Dublin Regulation and rejected asylum seekers awaiting their return to their country of origin or a safe third country. UNHCR recommended that Luxembourg amend the provision contained in the legislation adopted in March 2017 that allowed for detention for up to seven days for families with children, and not detain children for immigration-related purposes, irrespective of their legal migratory status or that of their parents; and consider alternatives to detention for all persons with specific needs.[58]

70. UNHCR, while noting improvements regarding family reunification, raised some concerns related to the duration of the procedure and difficulties that remained proving a family relationship. It recommended that Luxembourg ensure that the family reunification of beneficiaries of international protection took place without undue delay and consider allowing a broader definition of eligible family members, as well as extending the three-month delay for submitting an application.[59]

9. Stateless persons

71. While welcoming recent developments that illustrated the strong and continued commitment of Luxembourg to prevent and reduce statelessness, UNHCR noted that there was no specific legislation on statelessness, despite the fact that it was a party to the 1954 Convention relating to the Status of Stateless Persons. The Minister for Immigration and Asylum was the competent authority in determining whether a person was stateless. While

the administrative instructions on how to apply for the status of statelessness had been clarified, notably through the elaboration of a specific application form, there was no dedicated legislative procedure for determining statelessness. UNHCR recommended that Luxembourg introduce a formal procedure to determine statelessness in order to comply more closely with its obligations to protect under the Convention.[90]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Luxembourg will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/LUIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/10, paras. 116.1-116.5, 116.13, 117.1-117.7, 117.9, 117.11, 118.1-118.3 and 119.1-119.4.
[3] See CERD/C/LUX/CO/14-17, para. 17, and CRC/C/LUX/CO/3-4, para. 52.
[4] See CRC/C/LUX/CO/3-4, paras. 10-11.
[5] For relevant recommendations, see A/HRC/23/10, paras. 116.8, 117.18, 118.7 and 118.68.
[6] See CERD/C/LUX/CO/14-17, para. 9.
[7] See CRC/C/LUX/CO/3-4, para. 20.
[8] Ibid., para. 16.
[9] See CRPD/C/LUX/CO/1, para. 12.
[10] For relevant recommendations, see A/HRC/23/10, paras. 116.20-116.21, 118.4, 118.14-118.25, 118.46, 118.49 and 118.52.
[11] See CERD/C/LUX/CO/14-17, para. 11.
[12] Ibid., para. 7.
[13] Ibid., para. 16.
[14] See CAT/C/LUX/CO/6-7, para. 12.
[15] See CERD/C/LUX/CO/14-17, para. 12.
[16] See CAT/C/LUX/CO/6-7, para. 12.
[17] See CRC/C/LUX/CO/3-4, para. 23.
[18] For the relevant recommendation, see A/HRC/23/10, para. 118.55.
[19] See CAT/C/LUX/CO/6-7, para. 10.
[20] Ibid., para. 14.
[21] See CRC/C/LUX/CO/3-4, paras. 50-51.
[22] See CRPD/C/LUX/CO/1, para. 30.
[23] For relevant recommendations, see A/HRC/23/10, paras. 118.37-118.38.
[24] See CAT/C/LUX/CO/6-7, para. 15.
[25] Ibid., para. 16.
[26] See CERD/C/LUX/CO/14-17, para. 15.
[27] Ibid., para. 8.
[28] See CRC/C/LUX/CO/3-4, paras. 49-51.
[29] Ibid., para. 26.
[30] See CAT/C/LUX/CO/6-7, para. 13.
[31] See CRC/C/LUX/CO/3-4, para. 44.
[32] See CRPD/C/LUX/CO/1, para. 26.
[33] For relevant recommendations, see A/HRC/23/10, paras. 118.47-118.48.
[34] See UNESCO submission for the universal periodic review of Luxembourg, para. 13.
[35] Ibid., para. 14.
[36] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20212&LangID=E. See also A/71/286, paras. 43-46 and 72-86.
[37] See UNESCO submission, para. 15.
[38] Ibid., para. 16.
[39] For relevant recommendations, see A/HRC/23/10, paras. 118.11, 118.27-118.28, 118.31-118.35, 118.43 and 118.63.
[40] See CRC/C/LUX/CO/3-4, para. 46.
[41] See CRC/C/OPSC/LUX/CO/1, paras. 19-20.
[42] Ibid., paras. 17-18.
[43] Ibid., paras. 21-22.
[44] For relevant recommendations, see A/HRC/23/10, paras. 116.16 and 118.64.
[45] See CRC/C/LUX/CO/3-4, para. 29.
[46] For the relevant recommendation, see A/HRC/23/10, para. 118.13.
[47] See www.unwomen.org/en/get-involved/step-it-up/commitments/luxembourg.
[48] See CERD/C/LUX/CO/14-17, para. 13.

[49] Ibid., para. 14.
[50] See CRPD/C/LUX/CO/1, para. 46.
[51] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298410.
[52] For the relevant recommendation, see A/HRC/23/10, para. 116.18.
[53] See CRPD/C/LUX/CO/1, para. 48.
[54] For the relevant recommendation, see A/HRC/23/10, para. 118.8.
[55] See CAT/C/LUX/CO/6-7, para. 11.
[56] Ibid., paras. 7-8.
[57] See CRC/C/LUX/CO/3-4, paras. 38-39.
[58] Ibid., paras. 40-41.
[59] UNESCO submission, p. 6.
[60] See CRPD/C/LUX/CO/1, para. 45.
[61] See CRC/C/LUX/CO/3-4, para. 43.
[62] UNESCO submission, pp. 5-6.
[63] Ibid., pp. 4-5.
[64] Ibid., p. 6.
[65] See CRPD/C/LUX/CO/1, para. 42.
[66] For relevant recommendations, see A/HRC/23/10, paras. 116.6-116.7, 116.10, 116.17, 118.9-118.12 and 118.26.
[67] See www.unwomen.org/en/get-involved/step-it-up/commitments/luxembourg.
[68] Ibid.
[69] For relevant recommendations, see A/HRC/23/10, paras. 116.9, 116.19, 117.12-117.14, 117.17, 118.6, 118.29-118.30, 118.36, 118.40, 118.45 and 118.57.
[70] See CRC/C/LUX/CO/3-4, paras. 24-25.
[71] Ibid., para. 35.
[72] Ibid., paras. 30-31.
[73] See CRC/C/OPSC/LUX/CO/1, para. 9.
[74] Ibid., para. 11.
[75] Ibid., paras. 17-18.
[76] Ibid., para. 13.
[77] For relevant recommendations, see A/HRC/23/10, paras. 118.59-118.62.
[78] See CRPD/C/LUX/CO/1, para. 10.
[79] See CRC/C/LUX/CO/3-4, paras. 36-37.
[80] See CRPD/C/LUX/CO/1, para. 6.
[81] Ibid., para. 8.
[82] See CRPD/C/LUX/CO/1, para. 50.
[83] For relevant recommendations, see A/HRC/23/10, paras. 117.15, 118.39, 118.41-118.42, 118.44, 118.50-118.51, 118.53-118.54, 118.56, 118.65-118.67 and 118.70-118.75.
[84] See CAT/C/LUX/CO/6-7, para. 9.
[85] UNHCR submission for the universal periodic review of Luxembourg, p. 2.
[86] Ibid., pp. 2-3.
[87] Ibid., p. 4.
[88] Ibid., pp. 4-5.
[89] Ibid., p. 5.
[90] Ibid., p. 6.

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Summary of Stakeholders' submissions on Luxembourg*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of eight stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Advisory Commission on Human Rights welcomed the Government's efforts to fulfil its international commitments. It noted with satisfaction that the Government had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[2]

3. The Advisory Commission noted, however, that Luxembourg had not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance. It thus recommended speeding up the ratification of that instrument and considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also called the Istanbul Convention, and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[3]

4. With regard to the overdue periodic reports of Luxembourg, the Advisory Commission recommended that they be submitted as soon as possible, in particular the

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reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, overdue since April 2008.[4]

5. The Advisory Commission noted that its opinion was sought much more frequently by the Government, as well as by other entities. It nevertheless encouraged the authorities to follow more closely the recommendations contained in the opinions and reports it issued regarding human rights in Luxembourg.[5]

6. In 2011, together with the Centre for Equal Treatment, the Advisory Commission had been designated as the national mechanism for the implementation of the Convention on the Rights of Persons with Disabilities. In 2014, it had also been designated as the National Rapporteur on Human Trafficking, pursuant to the Act of 9 April 2014 strengthening the rights of victims of human trafficking. The increased number of briefs and tasks assigned to the Advisory Commission meant that it had difficulty fulfilling in a satisfactory manner its mission to promote and protect human rights. The Advisory Commission welcomed the fact that it had been awarded an additional one-year fixed-term post by the Government in February 2017. It hoped that the post would be extended indefinitely.[6]

7. The Advisory Commission welcomed the drafting of Bill No. 7102 on, inter alia, the attachment of the Centre for Equal Treatment to the Chamber of Deputies. The Advisory Commission underscored the importance of according the Centre the power to participate in court proceedings. Moreover, it was of the opinion that nationality should be added to the list of grounds for discrimination. It also recommended initiating the implementation process to attach the Ombuds-Committee on the Rights of the Child to parliament.[7]

8. The Advisory Commission welcomed the establishment in 2015 of an interministerial committee on human rights tasked with overseeing the implementation of the human rights obligations of Luxembourg by the relevant actors, and in consultation with civil society. The Advisory Commission was regularly invited to the meetings of the committee.[8]

9. The Advisory Commission congratulated the Government on the drafting of a bill to allow transgender persons to change their names to match their gender, and on the adoption of a law permitting same-sex marriage and adoption by same-sex couples.[9]

10. The Advisory Commission noted that the Government had proposed a number of legislative amendments aimed at boosting the fight against terrorism. It underscored the importance of maintaining a balance between the safety of citizens and respect for the right to privacy and to the protection of personal data. The Advisory Commission invited the Government to take into account its recommendations when considering the cases in progress.[10]

11. The Advisory Commission welcomed the adoption of the Act of 30 July 2013 on domestic violence, which strengthened the rights of victims irrespective of their age, held the perpetrators of domestic violence accountable and guaranteed their right to a defence.[11]

12. In its role as National Rapporteur on Human Trafficking, the Advisory Commission noted the Government's efforts to combat human trafficking. Nevertheless, one of the main challenges facing the Rapporteur during the drafting of its report in March 2017 had been the collection of statistical data, which were in many respects patchy and contradictory and did not enable conclusions and reliable trends to be extrapolated. The Advisory Commission had been pleased to learn that the Ministry of Justice was developing a reference manual on statistics.[12]

13. The Advisory Commission welcomed the adoption of the law on marriage of 18 June 2014, which had raised the minimum age of marriage for women to 18 years and repealed the waiting period for widowed and divorced women, with the aim of establishing equal legislation for men and women.[13]

14. The Advisory Commission encouraged the Government to introduce the offence of female genital mutilation in the Criminal Code of Luxembourg in order to increase the visibility of the issue.[14]

15. In the framework of constitutional reform, it had been decided to enshrine the rights of the child in the Constitution. Those rights should be strengthened and the proposed formulation should be expanded.[15]

16. The opening of a secure unit for minors, scheduled for 2013, still had not taken place. Minors continued to be detained in Luxembourg Prison. Until the State fulfilled its obligations with regard to ending the detention of minors in Luxembourg Prison, provision should be made for individualized plans for all minors who were to be deprived of their liberty in the adult prison, on an equal basis with other minors who were temporarily held in detention.[16]

17. The law on youth protection still had not been reformed despite being based on concepts dating from the 1980s. A new law had been drafted but was still awaiting presentation to parliament.[17]

18. A degree of progress had been made since the ratification of the Convention on the Rights of Persons with Disabilities. Some gaps and difficulties remained, however, in terms of its implementation on the ground. The Advisory Commission invited the Government to reflect on the establishment of a single independent structure tasked with promoting and protecting the rights and interests of persons with disabilities and monitoring and implementing the Convention at the national level.[18]

19. The Advisory Commission regretted the fact that access to legal aid was restricted to only some parties involved in the asylum request procedure and, where the provision of care for asylum seekers was concerned, to cases in which decisions had been adopted restricting or withdrawing that care.[19] The Advisory Commission noted that the procedure for assessing the individual needs of vulnerable persons requesting international protection was not sufficiently precise.[20] It welcomed the introduction of a number of alternatives to the detention of persons seeking international protection. It regretted, however, that the Government had not instituted a complete ban on the detention of minors in closed facilities. It also deplored the fact that the length of time that persons or families accompanied by minors were detained in the holding centre had been increased from 72 hours to 7 days in the Act of 8 March 2017.[21]

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[22]

20. In its Fundamental Rights report 2016, the European Union Agency for Fundamental Rights (EU-FRA) called on Luxembourg to sign, ratify and effectively implement the Istanbul Convention. [23] In September 2017, the Council of Europe Commissioner for Human Rights (CoE-Commissioner) noted positively that the ratification of the Istanbul Convention was underway, and trusted that the process would be concluded promptly. He recommended that the authorities consider the possibility of ratifying the Revised European Social Charter, as well as the International Labour Organisation's 2011 Convention concerning decent work for domestic workers (No. 189).[24]

21. JS2 recommended that Luxembourg ratify, without delay, the International Convention for the Protection of All Persons from Enforced Disappearance and that it recognize the competence of the Committee on Enforced Disappearances to receive and examine communications submitted by individuals or by other States parties regarding violations of the provisions of the Convention.[25]

22. In connection with the late submission of reports to the treaty bodies, JS2 noted that Luxembourg had submitted its report to the Committee against Torture in 2014. However, Luxembourg still had not addressed the delay in its reporting to the Human Rights Committee. The fourth periodic report of Luxembourg to that Committee had been due since 2008.[26]

B. National human rights framework[27]

23. The Organization for Security and Co-operation in Europe (OSCE) stated that the Office for Democratic Institutions and Human Rights (ODIHR) had been invited to observe the October 2013 early parliamentary elections in Luxembourg, and conducted a needs assessment mission. The report on this mission noted the confidence of all its interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration. No significant concerns were expressed related to the respect for fundamental freedoms, transparency of the electoral process, candidate registration, and election day proceedings. However, interlocutors mentioned media coverage of the campaign, as well as political party and campaign finance, as areas that could benefit from review.[28]

24. JS2 noted that in May 2015, Luxembourg had established an interministerial committee on human rights. The committee was tasked with overseeing the implementation of the human rights obligations of Luxembourg, in consultation with the national human rights institutions and civil society. Each ministerial department was represented on the committee. Its work was coordinated by the Ministry of Foreign and European Affairs. The committee had met with civil society organizations on 23 March and 22 June 2017 and had discussed the submission of the national report of Luxembourg in the framework of its third universal periodic review. JS2 recommended that Luxembourg continue to collaborate with civil society in the implementation of the recommendations of the universal periodic review.[29]

25. The European Commission against Racism and Intolerance (CoE-ECRI) adopted its fifth report on Luxembourg in December 2016. It recommended that Luxembourg give the Centre for Equal Treatment and the Ombudsperson: the right to hear and consider complaints; the powers necessary to conduct effective investigations; the right to initiate legal proceedings; and the right to participate in judicial and administrative proceedings. It also recommended that Luxembourg consider bringing these two institutions as well as the National Council for Foreigners closer together or even merging them and attaching them entirely to the parliament.[30] CoE-Commissioner made similar recommendations.[31]

26. As for the Ombudsperson for the Rights of the Child, JS1 recommended that his/her selection and appointment be based on clear and transparent criteria. The Ombudsperson's office should also receive sufficient funding to ensure it is able to carry out its mission effectively.[32]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[33]

27. CoE-ECRI strongly recommended that Luxembourg expressly provide that racist or homophobic/transphobic motivation constitutes an aggravating circumstance for any ordinary offence, explicitly make public insults, public defamation and racist and homophobic/transphobic threats a criminal offence and include the grounds of language and gender identity in the provisions of the Penal Code aimed at combating racism and homophobia/transphobia.[34]

28. CoE-ECRI recommended that Luxembourg enshrine in the Constitution everyone's right to equal treatment; bring the list of grounds of discrimination and the scope of anti-discrimination legislation into line with the ones of Article 14 of the European Convention on Human Rights and Article 1 of its Protocol No. 12; and provide for the obligation to abolish the public financing of and dissolve any organisation that promotes racism.[35]

29. OSCE/ODIHR stated that Luxembourg had never submitted data on hate crimes. The Criminal Code included penalty enhancements for specific offences and a substantive offence. The police, the Prosecutor's Office and the Ministry of Justice had been collected

data, but these had never been made publicly available.[36] CoE-ECRI recommended that the police and judicial authorities establish and operate a system for recording and monitoring racist incidents and the extent to which these incidents are brought before the prosecutors and eventually qualified as racist or homophobic/transphobic offences. It added that the authorities should publish these statistics.[37]

30. CoE-ECRI further recommended, inter alia, that Luxembourg initiate a review of the regulatory framework for the media in order to prevent and eliminate hate speech in this area; encourage the media to develop measures to combat hate speech on their websites; and work towards ensuring that the social media and internet access providers ban hate speech in their conditions of use and enforce that ban. All these measures should strictly comply with the principle of media independence.[38]

31. CoE-ECRI also recommended that Luxembourg implement measures to promote understanding and respect for lesbian, gay, bisexual and transgender persons, especially in schools. They should also provide all pupils and students with the information, protection and support necessary to enable them to live in accordance with their sexual orientation and gender identity.[39]

Development, the environment, and business and human rights

32. EU-FRA stated that a lack of information on the documentation and steps required for registering a business was identified as a difficulty faced by youth, women and migrant entrepreneurs.[40]

2. Civil and political rights

Right to life, liberty and security of person[41]

33. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) indicated that the majority of the persons who had met with its delegation during its fifth visit to Luxembourg in 2015 had not reported any ill-treatment by the police. However, a number of reports of verbal abuse and excessive tightening of handcuffs had been received. The CoE-CPT recommended that the authorities regularly remind all police officials, including during training, that all forms of ill-treatment of persons deprived of their liberty were unacceptable and that professional techniques aimed at minimizing the risk of harming persons under arrest must be used.[42]

34. The CoE-CPT had not received reports of physical ill-treatment by staff at Luxembourg Prison. However, some female detainees had reported that they were sometimes subjected to verbal abuse by particular wardens. The CoE-CPT again recommended that managerial personnel at Luxembourg Prison inform their staff that all forms of ill-treatment, including verbal abuse, were unacceptable and would be punished.[43]

35. Likewise, the CoE-CPT had not received any reports of ill-treatment by staff at the Dreiborn unit for boys or at the Schrassig unit for girls. Incidents of violence between minors had been reported, however, and the authorities were encouraged to continue their efforts to prevent such situations.[44]

36. With regard to conditions of detention, the CoE-CPT highlighted the very good material conditions in cells mainly used for sobering up, but called upon the authorities to provide, without delay, mattresses for the persons detained in such cells. Furthermore, it regretted that despite the specific recommendation contained in its previous report, special security cells — small spaces, often measuring less than 2 m^2, that were equipped with a bench or chair and enclosed by a grill — had been installed in interrogation rooms in the police facilities it visited. The Committee recommended that measures be taken to discontinue the use of these cells during interrogations and that they not be used as a place of deprivation of liberty for longer than a few hours. In addition, it called upon the authorities to end the practice of handcuffing detained persons to immovable objects. All police premises should have detention facilities providing adequate conditions of safety.[45]

37. At Luxembourg Prison, the material conditions of detention remained satisfactory in the facility as a whole, according to the CoE-CPT.[46]

With regard to discipline at Luxembourg Prison, the CoE-CPT noted that improvements had been made in practice, including limiting the use of disciplinary segregation to 14 days and ending the use of solitary confinement for disciplinary reasons. The Committee recommended that the respective legislation be modified. It also formulated several specific recommendations aimed at strengthening the rights of detainees in the context of disciplinary procedures.[47]

38. With regard to the Luxembourg Hospital Centre, the CoE-CPT noted the installation of secure rooms in a suitable unit, in line with its previous recommendations. However, the Committee found it unacceptable that while outside this unit, detainees were shackled to the bed and police officers were present at all times during medical examinations. The CPT recommended that these practices be discontinued.[48]

Administration of justice, including impunity, and the rule of law[49]

39. The CoE-CPT stated that since its first visit in 1993, it had engaged in dialogue with the authorities of Luxembourg regarding the basic safeguards against ill-treatment. In its report, the CoE-CPT noted improvements, particularly in the area of access to counsel for persons deprived of their liberty by the police in connection with criminal matters. Additional measures were nevertheless necessary, in law and in practice, to ensure that all persons deprived of their liberty by the police were accorded the right to inform a third person of their choice about their situation and allowed access to counsel in all cases from the outset of their deprivation of liberty. In addition, the CoE-CPT reiterated its previous recommendations with regard to ensuring that confidentiality was respected during medical examinations of persons being held in police custody and that a lawyer and, in principle, a trusted adult were present during police interrogations of minors.[50]

40. CoE and EU-FRA referred to the main case pending execution before the Committee of Ministers of the Council of Europe under the standard procedure, which covers the issue of fairness of criminal proceedings. In *A T v. Luxembourg* (No. 30460/13), the European Court of Human Rights found that the absence of a lawyer during the applicant's initial interrogation by the police following his arrest under a European Arrest Warrant, as well as the applicant's inability to communicate with his lawyer prior to his first appearance before the investigating judge, violated Article 6 of the European Convention on Human Rights.[51]

41. EU-FRA stated that Luxembourg's legal framework granted extensive powers to the youth tribunal to place children in conflict with the law in institutional care (even abroad), and to transfer a child to a "disciplinary institution" if the child behaved "badly" (mauvaise conduite) or acted in a "dangerous manner" (comportement dangereux). It noted that such legal framework was currently under revision.[52]

42. The CoE-CPT deplored the fact that, despite repeated recommendations, minors were still detained in Luxembourg Prison. Furthermore, the location of the section for minors was not appropriate, in particular due to its immediate proximity to the most difficult adult detainees in the facility. The Committee called upon the authorities to open, as soon as possible, a secure unit at the State socio-educational centre in Dreiborn and to bring to a complete end the detention of minors in Luxembourg Prison.[53]

43. Similarly, JS2 recommended that Luxembourg ensure that the law on the organization of the secure unit was passed as soon as possible in order to end the incarceration of minors at the adult prison in Schrassig; ensure in practice that detainees were separated according to their detention status, and that girls were not detained with women; and put an end to the holding of minors, including by amending the provisions of the Act of 28 May 2009 that since 2017 had allowed persons or families accompanied by minors to be held for a maximum of seven days.[54]

Fundamental freedoms and the right to participate in public and political life[55]

44. EU-FRA mentioned the LuxLeaks case, which concerned two whistle-blowers and a French journalist. The whistle-blowers were former employees of PricewaterhouseCoopers who leaked classified documents revealing a large amount of tax avoidance arrangements that the authorities in Luxembourg struck with hundreds of companies. In 2014, the leaked

documents were published by the International Consortium of Investigative Journalists. Following these revelations, the whistle-blowers and the journalist were charged by the public prosecutor in Luxembourg, and the journalist was charged with violating trade secrets and confidentiality. In June 2016, a court acquitted the journalist while convicting the whistle-blowers and imposing suspended jail sentences and fines.[56]

Prohibition of all forms of slavery[57]

45. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CPCECATHB) welcomed several measures taken by Luxembourg to combat trafficking in persons. It took note of a number of areas where further action was required in order to improve the implementation of the Convention on Action against Trafficking in Human Beings by Luxembourg, including: increasing efforts to combat human trafficking for the purpose of labour exploitation; adopting, in consultation with civil society, an action plan on combating human trafficking for the purpose of the different forms of exploitation, as well as measures aimed at preventing human trafficking; and improving the identification of victims of human trafficking, in particular by adopting a multidisciplinary approach, officialising the role and input of specialised non-governmental organisations, involving other relevant stakeholders, such as labour inspectors, and developing guides and indicators in co-operation with these actors.[58]

46. JS1 noted that the vulnerability of children to child sexual exploitation varied, with some discernible groups being most at risk, particularly children who were migrants or seeking asylum, as well as children from dysfunctional families.[59] Since 2013, Luxembourg had improved its national legal framework to protect children from child sexual exploitation.[60]

47. JS1 recommended that Luxembourg: develop a more precise definition of child pornography to ensure the criminalisation of highly sexualised pictures of children that fall outside the definition of the Optional Protocol on the sale of children, child prostitution and child pornography because no sexual activities or parts were explicitly represented, but which were clearly intended to be viewed for sexual purposes; evaluate and update the National Action Plan against Child Sexual Exploitation, which could be incorporated into a global and transversal national plan for children, while ensuring that the topic of child sexual exploitation is not lost or diluted; systematically and centrally collect and collate data on child sexual exploitation, and publish and distribute transparently and regularly such data; and ensure that full child protection is awarded to all unaccompanied minors, including the immediate appointment of a guardian and administrator, and provide training to the guardians and administrators enabling them to detect victims of trafficking.[61]

Right to privacy and family life[62]

48. EU-FRA mentioned that in Luxembourg, the Data Protection Authority itself was not competent to supervise the intelligence service, but the supervisory authority competent to supervise data processing related to state security, defence and public safety comprised the Chief State Prosecutor and two members of the Data Protection Authority. EU-FRA deemed this as an interesting solution, which ensured that the oversight body was knowledgeable on data protection requirements.[63]

49. EU-FRA noted that since 2015, Luxembourg had allowed same-sex couples to marry.[64]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[65]

50. CoE-Commissioner noted that while the Government had taken steps to facilitate access to employment for asylum-seekers, like the shortening of the mandatory waiting period for such a possibility, the number of asylum-seekers who actually find work was very low. In this regard, he invited Luxembourg to consider joining the Council of Europe's

pilot project on the "European Qualifications Passport for Refugees", which aimed at facilitating refugee integration and progression towards employment.[66]

51. CoE-ECRI recommended that Luxembourg adopt positive measures to facilitate access to the job market for persons with migration backgrounds with a low level of education. In particular, they should intensify the teaching of the official languages to adults with migration backgrounds, invest in their vocational training, facilitate recognition of qualifications obtained abroad and ease the conditions for accessing the job market imposed on applicants for international protection.[67]

52. The European Committee of Social Rights (CoE-ECSR) stated that it had not been established that migrant workers lawfully resident in the country were treated no less favourably than Luxembourg nationals with regard to remuneration and other employment and working conditions.[68]

53. EU-FRA noted positively that Luxembourg had implemented Article 13(4) of the Employer Sanctions Directive at the level of legislation.[69]

54. EU-FRA indicated that in Luxembourg, trade unions were entitled to lodge complaints on behalf of victims.[70] However, CoE-ECSR stated that national law did not permit trade unions to freely choose their candidates in joint works council elections, regardless of their nationality.[71]

Right to social security

55. CoE-ECSR stated that spending on social services was sufficient, and monitoring arrangements for guaranteeing the quality of the social services supplied by providers did exist. It also stated that equal treatment with regard to social security rights and family allowances was guaranteed to nationals of all other States Parties.[72]

56. However, CoE-ECSR noted it was not established that people in need aged below 25 were all entitled to a guaranteed minimum income, nor that legislation and practice guaranteed that all unlawfully present foreigners received emergency social assistance for as long as they might require it.[73]

Right to an adequate standard of living[74]

57. CoE-ECRI recommended that Luxembourg develop measures in the social housing field for the benefit of low-paid workers.[75]

58. CoE-CHR noted that the authorities were facing a challenge when it came to providing all asylum-seekers with suitable accommodation in the context of a general housing shortage. According to him, there should be a longer-term reflection with regard to access to housing for beneficiaries of international protection and, in so far as feasible, authorities should try to house them in locations likely to enable integration while avoiding geographical isolation.[76]

59. JS2 recommended in particular that Luxembourg ensure that reception facilities for persons seeking international protection had sufficient capacity to accommodate all such persons; that such persons did not remain in those facilities for longer than the period envisaged, including by helping them to move to external accommodation once their status was determined; and that vulnerable persons be duly identified in phase 2 accommodation facilities.[77] JS2 further recommended that Luxembourg put in place an external system to conduct neutral and impartial monitoring of reception infrastructure and accommodation for persons seeking international protection.[78]

Right to health[79]

60. In connection with health care for detainees in Luxembourg Prison, the CoE-CPT stated that the situation remained satisfactory in terms of both the staff in charge of health care and the quality of the facilities. However, the CoE-CPT strongly regretted that no solution had been found to providing a suitable framework for detainees with serious psychiatric impairments. High priority should be given to the creation of a specialist hospital facility for these detainees. Furthermore, measures should be taken to improve the

recording of traumatic injuries by doctors and to ensure that all medical consultations remained confidential.[59]

61. Minnesota Citizens Concerned for Life Global Outreach (MCCL GO) argued that euthanasia, which was a legal practice in Luxembourg, endangered the right to life, the right to health, and equality and non-discrimination. It recommended that Luxembourg revise its law to prohibit euthanasia and protect the lives and health of all patients.[60] ADF International (ADFI) made a similar recommendation. It also recommended that Luxembourg ensure, until the law on euthanasia and assisted suicide was repealed, that no hospital, retirement home, care or rehabilitation facility, or other institution is required by law to allow or facilitate such procedures.[61]

Right to education

62. CoE-Commissioner stressed that Luxembourg had the commendable policy of including all foreign children in the education system at a very early stage and without regard to their immigration status. Earliest possible access to schooling, especially in the context of a multilingual education system, was essential for these children's and their families' successful integration in the society. However, he encouraged the authorities to systematically collect and make publically available data on children remaining in special education, such as their number and duration of stay, and to integrate them in the regular education system as soon as possible. He also recommended that Luxembourg remain vigilant in ensuring that no isolation of foreign children takes place, and promote systematically their meaningful interaction with local pupils.[62]

4. Rights of specific persons or groups

Persons with disabilities[63]

63. CoE-ECSR stated that it had not been established that people with disabilities were guaranteed effective equal access to employment.[64]

Minorities and indigenous peoples[65]

64. The Committee of Experts on the European Charter for Regional or Minority Languages (CoE-ECRML) stated that, in light of the particular situation whereby no regional or minority languages were spoken in Luxembourg, it would not propose to the Committee of Ministers of the Council of Europe to forward any recommendations to the authorities of Luxembourg. The Committee of Experts commended Luxembourg for the commitment and European solidarity it had demonstrated by ratifying the Charter, and expressed its appreciation of the valuable contribution it had made to the protection and promotion of regional or minority languages in Europe.[66]

Migrants, refugees, asylum seekers and internally displaced persons[67]

65. CoE-Commissioner stated that Luxembourg had made considerable efforts to respond to Europe's refugee and migrant crisis by receiving asylum-seekers and relocating and resettling refugees from other parts of Europe and beyond. The Government and civil society had reportedly been actively providing protection to people in need. He noted that the authorities were addressing the existing delays in processing asylum claims, including by increasing the number of staff assigned to handle the backlog. However, applicants should be provided more systematically with information on the progress made in the examination of their claims in order to prevent uncertainty and increase their confidence in the process. Additional efforts should also be made in the identification of vulnerable persons among all new arrivals, in particular those who have experienced torture, sexual abuse or human trafficking. As for asylum-seekers whose claims had been rejected, the authorities should make more use of alternatives to detention in order to avoid cases of repeated deprivation of liberty.[68]

66. JS2 recommended that Luxembourg ensure that applications to set aside transfer decisions had a suspensive effect and that all asylum applicants, including those following the fast-track procedure, had enough time to prepare for interviews.[69] JS2 further

recommended that Luxembourg encourage transparency in the handling and follow-up of applications for international protection and that the applications be dealt with within a reasonable time period.[97]

Notes

The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status.)

Civil society

Individual submissions:

AIWI	AIWI International, Geneva (Switzerland);
MCCL-GO	Minnesota Citizens Concerned for Life Global Outreach, Minneapolis (United States of America);

Joint submissions:

JS1	**Joint submission 1 submitted by:** ECPAT International, a global network of civil society organizations working for the eradication of all forms of sexual exploitation of children, Bangkok (Thailand);
JS2	**Joint submission 2 submitted by:** Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT), Paris (France);

National human rights institution:

CCDH	Consultative Commission on Human Rights*, Luxembourg (Luxembourg);

Regional intergovernmental organizations:

CoE	The Council of Europe, Strasbourg (France);
	(CoE-Commissioner) Commissioner for Human Rights, press release on Mr. Nils Muižnieks' visit to Luxembourg from 18 to 22 September 2017, Luxembourg – Authorities encouraged to continue efforts to integrate asylum-seekers and migrants (22 September 2017);
	(CoE-CP[14]-ATHB) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP (2014)5, on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg;
	(CoE-CPT) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, report on its visit to Luxembourg from 28 January 2015 to 2 February 2015, 17 September 2015, CPT/Inf (2015) 30;
	(CoE-ECRI) European Commission against Racism and Intolerance, report on Luxembourg, fifth monitoring cycle, adopted on 6 December 2016, CRI (2017)4;
	(CoE-ECRML) Application of the European Charter for Regional or Minority Languages in Luxembourg: Fourth report of the Committee of Experts on the Charter and Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Luxembourg, Strasbourg, 19 November 2015 (ECRML (2015)5);
	(CoE-ECSR) European Committee of Social Rights, Factsheet Luxembourg and the European Social Charter, June 2017;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

[97] CCDH, para. 10.
[98] CCDH, para. 12.
[99] CCDH, para. 13.
[100] CCDH, para. 4.
[101] CCDH, para. 5.

[7] CCUDH, para. 9.
[8] CCUDH, para. 6.
[9] CCUDH, para. 20.
[10] CCUDH, para. 31.
[11] CCUDH, para. 14.
[12] CCUDH, para. 18.
[13] CCUDH, para. 19.
[14] CCUDH, para. 16.
[15] CCUDH, para. 23.
[16] CCUDH, para. 21.
[17] CCUDH, para. 22.
[18] CCUDH, para. 27-30.
[19] CCUDH, para. 24.
[20] CCUDH, para. 25.
[21] CCUDH, para. 26.
[22] For relevant recommendations, see A/HRC/25/10, paras. 116.1-116.9, 116.23, 117.1-117.7, 117.9-117.11, 118.1-118.7 and 119.1-119.4.
[23] EU-UPR/6, p. 4.
[24] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[25] JS2, para. 4.
[26] JS2, para. 1.
[27] For relevant recommendations, see A/HRC/25/10, paras. 116.8, 117.38, 118.7, and 118.68.
[28] UNCT-UPR/08, p. 1-2. See %SMI » full report http://www.mae.org/public/dashmin/1084/7/download/true.
[29] JS2, para. 3.
[30] CoE-EUR1, para. 24.
[31] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[32] JS1, p. 7.
[33] For relevant recommendations, see A/HRC/25/10, paras. 116.20-116.21, 116.4, 118.14-118.25, 118.46, 118.49 and 118.92.
[34] CoE-EUR1, para. 9.
[35] CoE-EUR1, para. 17.
[36] UNCT-UPR/08, p. 3.
[37] CoE-EUR1, para. 19.
[38] CoE-EUR1, para. 49.
[39] CoE-EUR1, para. 90.
[40] EU-UPR/6, p. 10.
[41] For relevant recommendations, see A/HRC/25/10, para. 118.59.
[42] CoE-CPT1, p. 5.
[43] CoE-CPT1, p. 6.
[44] CoE-CPT1, p. 7.
[45] CoE-CPT1, p. 5.
[46] CoE-CPT1, p. 6.
[47] CoE-CPT1, p. 6.
[48] CoE-CPT1, p. 7.
[49] For relevant recommendations, see A/HRC/25/10, paras. 118.57-118.58.
[50] CoE-CPT1, p. 5.
[51] CoE, p. 5, EU-UPR/6, p. 5.
[52] EU-UPR/6, p. 4.
[53] CoE-CPT1, p. 5.
[54] JS2, para. 29-et 30.
[55] For relevant recommendations, see A/HRC/25/10, paras. 118.47-118.48.
[56] EU-UPR/6, p. 6.
[57] For relevant recommendations, see A/HRC/25/10, paras. 118.31-116.27-118.28, 118.31-118.35, 118.43 and 118.63.
[58] CoE-CPT1 to EUD1, p. 2.
[59] JS1, p. 2.
[60] JS1, p. 3.
[61] JS1, p. 5-6.
[62] For relevant recommendations, see A/HRC/25/10, paras. 116.36 and 118.64.
[63] EU-UPR/6, p. 10.

[64] EU-FRA, p. 9.
[65] For relevant recommendations, see A/HRC/23/10, para. 118.13.
[66] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[67] CoE-ECRI, para. 80.
[68] CoE-ECSR, p. 4.
[69] EU-FRA, p. 11.
[70] EU-FRA, p. 11.
[71] CoE-ECSR, p. 4.
[72] CoE-ECSR, p. 3.
[73] CoE-ECSR, p. 3.
[74] For relevant recommendations, see A/HRC/23/10, paras. 116.18.
[75] CoE-ECRI, para. 82.
[76] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[77] JS2, p. 6.
[78] JS2, p. 6.
[79] For relevant recommendations, see A/HRC/23/10, para. 118.8.
[80] CoE-CPT, p. 6.
[81] MCCI, GO, p. 1 and 4.
[82] ADEL, para. 19.
[83] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[84] For relevant recommendations, see A/HRC/23/10, paras. 118.59-118.62.
[85] CoE-ECSR, p. 3.
[86] For relevant recommendations, see A/HRC/23/10, para. 118.69.
[87] CoE-ECRMI, p. 3.
[88] For relevant recommendations, see A/HRC/23/10, paras. 117.15, 118.39, 118.41-118.42, 118.44, 118.50-118.51, 118.53-118.54, 118.56, 118.65-118.67 and 118.70-118.75.
[89] CoE-Commissioner, http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants.
[90] JS2, p. 5.
[91] JS2, p. 6.